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John Charles McNeill and His Work

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"The thought of old, dear things is in thine eyes,
O, month of memories!
Musing on days thine heart hath sorrow of,
Old joy, dead hope, dear love.

Thy glory flames in every blade and leaf
To blind the eye of grief;
Thy vineyards and thine orchards bend with fruit
That sorrow may be mute."

In the above lines, quoted from his famous poem *October*, John Charles McNeill perhaps reached the height of his brief career as a writer; and yet this one poem possesses merit enough to enshrine his memory in the soul of every North Carolinian who loves the beautiful. In the opinion of many critics, it is the finest poem ever written by a native of the state, and, had he left no other literary legacy, this alone was enough to make him famous not only among his own people but to the world at large.

As I knew McNeill in the heyday of his early-won glory, he was one of the most lovable men and one of the most unpretending. Once when he paid me a personal visit in Atlanta, I somehow forced him to talk of his literary work in which I always took special interest. He told me how few things he wrote satisfied him, "and yet," he went on, "there are so many beautiful things in the world and these produce so many beautiful thoughts that I find myself writing more than I should. But, alas! the most beautiful songs escape me entirely. I am able only to catch and transcribe their faintest echoes." Then rising and walking the floor in some excitement, which was

unusual, he said, "Ah, if one could catch and hold the heavenly music and the words long enough to put them on paper, how different our songs would be. But these escape us, and what we write is only the faintest echo of what we feel."

And that was the key to all the beautiful poems of John Charles McNeill. He was a born poet and heard the divine call, and the inspirations that came to him were so strong and powerful that when he wrote the lines they were disappointing to him. He always felt that the human song he put on paper was unworthy of the divine music which had illumined his brain under the spell of inspiration. This feeling, this trait, and this characteristic in McNeill's work clearly marked him as a genius of uncommon promise, and one of the sad days for North Carolina was the 17th of October, 1907, when the brave young master of a thousand unsung songs passed beyond the great divide.

McNeill was the poet of Nature who could look across a landscape and see a poem on every hillside, in every meadow, and on the far stretches of every wooded mountain.

His listening ear caught the music of a love song in every breeze and in the winter's wind the echo of a dirge. To him all Nature was animate, living, breathing, saying things to man. In every pine top was the music of some invisible choir, and upon every landscape was laid the matchless reproduction of the painter's brush.

Each returning spring brought to him the scent of fresh violets, and his soul went back to the time when the world was young and when the poets filled all the woodland with nymphs for men to love and worship. In summer every lazy cloud that floated in the heavens was to him the emblem of liberty of which he so often sung. Each autumn brought him new colors of matchless glory, and these fired his young soul with that nameless inspiration which found a worded outlet in that sweetest of all his songs, *October*.

I knew his love for the springtime and I knew his love for the autumn. Of these he had often spoken and was unable to decide which left the greatest impress upon his soul. The reader will remember that in his earlier works is a poem *To Melvin Gardner, Suicide*, in which these lines appear:

"To have seen the sun come back, to have seen
Children again at play,
To have heard the thrush where the woods are green
Welcome the new-born day:
To have felt the soft grass cool to the feet
To have smelt earth's incense, heavenly sweet,
To have shared the laughter along the street,
And, then, to have died in May!"

To many of the admirers of McNeill's poetry these are the finest lines he ever wrote, and they do embody a wealth of tenderness and pathetic beauty. For in this remnant of his genius is to be found his great love of life and of springtime, and his pity for the unfortunate who should choose to leave it all in the month when

"In leaf and blade life throbs and thrills
Through the wild, warm heart of May."

Since our poet himself died during the glories of October, I have wondered what a poem in itself his untimely death was in the midst of all the autumn splendor.

During the years when John Charles McNeill did such splendid work on the *Charlotte Observer* that paper had on its staff a brilliant array of talent. The beloved "Joe" Caldwell was then at his best, and it was during this time that Caldwell's influence was so strongly felt by those who came in close touch with him. He encouraged "his boys," as they were called, to the highest literary work, himself leading the way at the time with the most brilliant editorials ever printed in North Carolinz. His gentle manner, his kindness and his persuasive way of putting things, made the "old man," as he was known, a power among that little colony of shining lights who worked in the same office. The "old man," bless his memory, is gone, McNeill is gone, Avery is gone, and the other notables are scattered in other fields.

McNeill always felt and knew that Caldwell was responsible for what he accomplished in a literary way. Once I remarked that I sent my first poem, *When Day Light Breaks*, to *The Observer* and that Caldwell not only featured it but gave it editorial notice, to which McNeill replied: "He did even more for me. He not only published and commended my

poems but gave personal help and encouragement in all my work, until I was able to stand alone. To Caldwell I owe everything."

McNeill knew of his impending fate. But he was as brave as he was brilliant and lovable. The knowledge that death had found in him a shining mark did not lessen his hold upon life, nor slacken the work of his pen. Far into the year of his passing, his soul was aglow with new aspirations and new work to be done. This came, doubtless, from the peculiar malady which was already sapping his physical nature but leaving the brain strong and unclouded. In his last letter to me, he emphasized the inspirations which filled his heart. This letter follows:

"MY DEAR HARMAN:—Your charming poem in Sunday's *Observer*, *In Some Sad Hour*, has touched me deeply. It expresses a thought which has come to me a thousand times of late, for somehow I feel my hold upon life gradually slackening. And yet with this thought of going, before me all the time, I do not feel any lessening of the inspiration to write, nor a lack of interest in my future work and plans. I have many things to write which haunt me every day and many seemingly worth while things to do. But I hope to tell you about these in person, and until then, adieu."

That was John Charles McNeill up to the time of the fatal summons, which came October 7th, 1907. Visions of the yet unattained flitted before him and awakened inspiration for more and better work. What he had already done was simply an urge to greater tasks—even the hand of death, which he must have felt upon his head, not being able to discourage the brave young spirit. It is said of Shelley, when writing his famous poem, *The Cenci*, that his hand trembled from weakness, and yet that picture is not more inspiring than the one of McNeill doing wonderful literary work, even while the hand of death was beckoning him to come. And this recalls to mind that other notable picture of our own beloved Lanier writing *Sunrise*, what he believed to be his best poem, when he was burning with fever brought on by sheer weakness.

The strength of McNeill's poetry must rest upon its native flavor. His finest lines deal with the simple things of North Carolina rural life. He knew these quiet, unpretending folk;

he knew the wonder of the meadows, the rivers, and the wealth of wild-flower life. To him the springtime resurrection was a wonderful poem, and the subdued autumn was like a divine service, with mingled prayer and praise. Once he said to me: "I look upon nature as but another world, full of intelligent individuals, whose language we fail to understand. Each tree is a boon companion, strong, full of character, and worthy of our love. The woodland is a peopled city. The flowers are our poets and the stars our preachers, their silent constancy being more eloquent than the most powerful sermon ever preached by man. The sea is a demi-god, sad and disappointed, because of his half-power. Each dawn to me is a new glorification of the wonderful sweetness of youth, and each blessed twilight a symbol of life's ending. The spirit of the wind is the spirit of lost souls. There is all the mystery and silence of death in the stillness of the midnight hour."

His was the poet's soul. His well-trained mind grasped all the wonder and mystery of life, and his heart overflowed with a longing to be its interpreter. Nature was full of a living existence, and he ardently desired to understand her varied secrets and give to these a language intelligible to man. It was this which gave his nature poems their nameless charm, to the dark Lumber river of his boyhood days a halo of romance, and to the hedges and by-ways of eastern North Carolina a fame which will live forever.

The study of his own people and the interpretation of their simple lives, formed, perhaps, the best part of McNeill's work. In these natives of the lonely country farms, with their few wants and ignorance of the world's restless ways, he found a type, whose very simplicity and isolation appealed to him strongly. Some of his tributes to these home people deserve a place along with Gray's famous *Elegy*. The uneventful lives of these people impressed him,—their aspirations, their unsatisfied ambitions, their wearying toil, and the monotony with which one day followed another. He saw keen intellects sacrificed by sheer want, great souls smothered by uncongenial surroundings, and many a Milton, Wesley, or Wellington find unknown graves because of cruel poverty. No one could know these people better than he, for his early life had been

spent among them, and from first hand he knew them—their joys, their ambitions, their sorrows and disappointments, and the many tragedies which were theirs.

In the domain of writing songs that belong to North Carolina, his native state, McNeill's *Away Down Home* is perhaps the truest in which every note rings clear to the "manor born." It is a poem that will live so long as the literature of the state shall live. It will be taught and read and recited in the schools of the state. Simple and unpretending from every viewpoint, it is nevertheless a classic. I quote only these verses to show its real beauty:

"Twill not be long before they hear
The bullbat on the hill,
And in the valley through the dusk
The pastoral whippoorwill.
A few more friendly suns will call
The bluets through the loam
And star the lanes with buttercups
Away down home.

"Knee-deep! from reedy places
Will sing the river frogs!
The terrapins will sun themselves
On all the jutting logs;
The angler's cautious oar will leave
A trail of drifting foam
Along the shady currents
Away down home."

How well he understood the honest yeomanry of his state, how fully his sympathy entered into the very life of the great mass of people who live on the farms of North Carolina, is touchingly portrayed in what, by some, is considered his best poem, *Home Songs*, the first verse of which is:

"The little loves and sorrows are my song:
The leafy lanes and birthstead of my sires,
Where memory broods by Winter's evening fires
O'er oft-told joys, and ghosts of ancient wrong;
The little cares and carols that belong
To home-hearts, and old rustic lutes and lyres,
And spreading acres, where calm-eyed desires
Wake with the dawn, unfevered, fair, and strong."

In the minor tone of McNeill's writing there are few notes, and yet these few are intense and touch the very innermost chords of the soul. This minor chord is found in *October*, already quoted from, but perhaps the one poem in which it is most perfect is *Gray Days*—a very picture of sorrow writ upon the white page of his little book that will live forever:

"A soaking sedge,
A faded field, a leafless hill and hedge,
Low clouds and rain,
And loneliness and languor worse than pain.
Mottled with moss,
Each gravestone holds to heaven a patient Cross.
Upon the stone,
Of each in turn, who called this land his own
The gray rain beats
And wraps the wet world in its flying sheets
And at my eaves
A slow wind, ghostlike, comes and grieves and grieves."

In brevity and artistic finish few, if any, of McNeill's poems equal his *Dawn*. It embodies, at once, a beautiful picture and a soul-longing, which few poems of its brevity in the English language possess. I remember Caldwell sending it to me and calling it "a crystallized gem, embodying a wealth of thought." The verses are:

"The hills again reach skyward with a smile.
Again, with waking life along its way,
The landscape marches westward mile on mile
And time throbs white into another day."

Such vivid beauty illumined most of McNeill's serious poems that when his *October* was published Dr. C. Alphonso Smith wrote: "I had rather be the author of those lines than to have the finest monument North Carolina ever erected." In *Oblivion* appear these striking verses:

"At dawn will go
New ploughmen to the fields we used to know.
Then none will think
What chalice life had offered us to drink."

And in his remarkable poem *Protest* we read:

"Are we grown old and past the time of thinking?
Is ardor quenched in art,
Till art is but a formal figure, bringing
A money-measured heart?"

When I Go Home contains this wonderful picture of beauty:

"When I go home the dogwood stars will dash
The solemn woods above the bearded ash.
The yellow-jasmine, whence its vine hath clomb
Will blaze the valleys with its golden flash
When I go home."

But one could quote page after page from John Charles McNeill's "Songs Merry and Sad" and never weary. That was his first book, his second being "Lyrics from Cotton Land." The first contains his serious work, the latter his dialect poems. These two small volumes are the gift of his short life, cut off at the age of thirty-three.

And yet these two little books contain verse as rich in literary value as anything ever written in the South, where the best American poetry has been produced. For this reason the South, and especially North Carolina, owes to this lamented Shelley a debt of recognition which should not be forgotten. He sleeps among his native Scotch ancestors, in the section he loved so well, but the work he did in the few short years of an uneventful life will live as long as English books are made.

The Coming of the Budget System

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The most radical and revolutionary reform ever undertaken in the public affairs of this country is now proposed for the National Government. Our financial operations are to be conducted and controlled by means of a budget system. A definite stage in the progress of this movement has already been reached as is evidenced by the fact that a plank in each of the Progressive, Republican and Democratic platforms pledges its ultimate enactment into practice. The cumulative effect of years of criticism of our financial methods by practically all students of public finance and publicists has at last begun to bear fruit.

It is thus apparent that this reform—like our preparedness program—has the distinction of being non-partisan. The leaders of each party have seen the necessity for action and, what is more to be considered, they agree, in general terms at least, that a budget system will meet the need.

What then is a budget system and what are its necessary implications? And exactly why do we need it? What is wrong with our present system of raising revenue and spending it?

The weaknesses of our financial methods are conceded by all who have studied them. Some of these we shall now set forth in outline before proceeding to discuss the remedy—a national budget system. The government of the United States now raises by taxation, direct and indirect, the enormous sum of more than a billion dollars a year to meet the current needs of its various departments. The machinery for handling these vast sums is not provided for in the constitution, nor is it patterned after the system in vogue in the days of Alexander Hamilton and his immediate successors. It is a growth which in recent years has taken on important and far-reaching changes. Simplicity and unity have given way before a scattered and decentralized responsibility.

The first step in our financial procedure is the preparation

by the governmental department heads of the estimates of what their expenditures should be for the coming year. Each department, without taking into consideration the governmental expenditures as a whole, and having in mind only its own needs and desires, sets down in itemized form the sums which it hopes to get. They usually ask for more than they actually expect, feeling sure that Congress will make the usual cuts.

These estimates are next, according to law, transmitted to the Treasury Department. The Secretary of the Treasury is required by law to bind them in book form and to transmit them to Congress at the opening of the session. The Treasury has no supervision over the preparation of the estimates. When they are sent in, the Secretary has no authority to criticize or revise them on the whole or to suggest the reduction or elimination of any of the items, although he knows the condition of the Treasury will not permit of the spending of all of the money for which the estimates ask. His duty toward Congress is purely clerical. He has nothing to say as to financial policy. The President, as chief executive, and head of the executive departments has also no voice in the preparation of these estimates of expenditure. His criticism comes at the end of the program if any criticism he has. After Congress has enacted an appropriation measure into law, the President can veto the entire measure. On the other hand he can not strike out any item, or reduce any item, of which he disapproves. The whole appropriation must stand or fall in its entirety. So far as financial policy is concerned the President's hands are practically tied.

On the other hand a President may by virtue of a strong and dominant personality, and in his position as party leader, exercise, extra-legally, a powerful influence on financial legislation. This is sometimes done but it is too accidental and uncertain to be relied upon. All Presidents do not exercise this influence over their party and there have been some who were even quite subservient to party leaders in the House and Senate.

The estimates in book form are transmitted to Congress by the Secretary of the Treasury just as they come to him—without co-ordination or criticism. The Speaker of the House per-

functionarily divides them up and assigns them to the several committees that draw up the appropriation bills. But these committees do not have to follow the estimates in making the appropriations. In fact they ordinarily make numerous changes.

In addition to these regular estimates Congress receives also, directly, estimates for river and harbor improvements from the army engineers. Other money bills may be drawn up entirely upon the initiative of a private member without any recourse to the executive departments. Each session of Congress sees many financial measures of this character acted upon, dealing with public improvements, expansion of the public service and the like.

In drafting a money bill for a given department, the committee usually holds what are called hearings. They call before them the departmental officials and subject them to an examination as to the proposed expenditures for the department. Outside experts may also be called in. The bill is then drawn up often in disregard of the opinion of the executive officials. The judgment of the committee governs. It must be borne in mind that there are no members of the committee who have an expert knowledge of the department in question, unless by accident as when Mr. Hobson was on the Naval Affairs Committee of the House. They are usually men of no special training—in many cases country or village lawyers—excellent men but in the main strangers to the field of public finance.

Money bills are drawn up and reported by the following committees, namely: The Appropriations Committee, which at one time drafted and reported all appropriation bills but now only the bills for the legislative, executive and judicial departments, sundry civil appropriations, fortifications, District of Columbia, and the deficiencies appropriations; the Committee on Foreign Affairs, the diplomatic and consular service appropriations; the Committee on Military Affairs, the military establishment appropriations; the Committee on Naval Affairs, the naval establishment appropriations; the Committee on Indian Affairs, the appropriations for the Indian Service; the Committee on Pensions, the pension appropriations;

the Committee on Post Offices and Post Roads, the postal service appropriations; the Committee on Agriculture, the appropriations for the Department of Agriculture; the Committee on Claims, appropriations for claims against the Government; the Rivers and Harbors Committee, appropriations for improvement of rivers and harbors. In addition the Committee on Public Buildings and Grounds authorizes the amounts to be appropriated for public buildings which amounts are later reported out in the sundry civil or the deficiencies bills by the Appropriations Committee.

At the same time that these committees are drafting the bills for the annual supply of the government, the Committee on Ways and Means is considering the problem of raising the revenue to meet them and is drafting a bill for that purpose.

Thus we see that the nation's finances are handled by twelve House committees working independently of each other and independently of the executive branches of the government for which the money is appropriated. They are, to say the least, controlled by amateurs in respect to the technicalities of the services which they have under consideration.

From time to time, without any settled order or sequence, these bills are reported to the House, some of them providing for the expenditure of above a hundred million dollars. On the floor of the House they are subject to amendment, the judgment of the committee being frequently overruled by the House on matters of great importance. Any private member in the House may offer an amendment and if sufficient support is mustered it will be adopted.

After these appropriation bills have all passed the House, the process is not yet half complete. They go to the Senate and are there referred to the corresponding Senate committees. The work now begins almost *de novo*. The Senate committees, following the same procedure as the committees of the House, rewrite the bills. Many radical changes are made and usually the amended bills carry much larger appropriations than when they left the House. On the floor of the Senate further amendments are allowed, provided a member can secure the necessary support.

After passage by the Senate the bill goes into conference,

that is to say a joint committee of both Houses composed of three men from each house. Here, in secret sittings, the great battles over the people's money are fought out. What the conferees agree on is ordinarily adopted by both Houses. The Senate ordinarily wins on the most of their increases. The bill then goes to the President who, as we have seen, approves the whole bill since he has no power to reject or modify any of the items which he disapproves. It is rare for a President to veto an appropriation bill on this account.

Fifteen or more money bills go through this lengthy and laborious process every year. At the beginning of the new fiscal year, July 1st, some of the bills are still being considered and emergency legislation has to be enacted to keep the department concerned in operation. Sometimes, as with the third session of the Sixty-third Congress, the session comes to an end before all of the supply bills are passed, making necessary the continuation of the old appropriation for another year.

Such is our system of public finance—loose, haphazard, wasteful, unbusinesslike, unscientific and inexpert. Congress controls the financial policy, lays out the program, if such it can be called, ratifies it, in fact does everything but spend the money.

On the other hand, Congress does not exercise any systematic control over the expenditure of the money granted. It has no organization to keep a watch over the executive departments to report extravagance or loss of efficiency. There is no one responsible to Congress who examines every item of expenditure each year and compares them with the original grants.

The evil which is so often before the public eye—that of “log-rolling” and “pork barrel” methods—is due to the weaknesses of the system rather than to the lack of integrity of members of Congress. As long as it is possible for members to have public money spent within their districts by bargaining with other members, the practice will continue. Mr. Smith agrees to vote for a river improvement in Mr. Jones' district if Mr. Jones will vote for the building of a post office in Mr. Smith's district. So the Smiths and Joneses get to-

gether—on a purely non-partisan basis—and pool their collective influence to loosen the strings of the public purse. It is possible, it is not forbidden, it is desirable to many, therefore it is done.

Any other country in the world, less loaded with material wealth than we, would have long ago been driven into national bankruptcy by the terrific and often unforeseen onslaughts on the public treasury. Other governments have to practice economy, to live within their incomes, to use the most expert and scientific methods known in order that the treasury may meet the needs of the government without laying unduly heavy burdens of taxation upon the people. In other countries than ours where the national wealth is not so great, the people recognize more clearly than we do that it is they who pay for inefficiency and extravagance. We are coming to recognize that a halt must be called. Our loose jointed system will eventually break of its own weight. A nation of business men must now become more business-like in dealing with the people's money. This does not mean that we should spend less. It is quite probable that the contrary will be true. But we should spend it all for the public interest alone and under the proper safeguards.

What then is this budget system which is proposed as a remedy for the evils which inhere in our financial system? All of the civilized countries of the world, great and small, have the budget system. It is not an experiment. It has stood the test of more than two hundred years in England, and England today has the most efficient, the most economical and the most democratic system of dealing with her public moneys.

The budget system is in vogue, with certain variations from each other, in France, Germany, Italy, Japan, Switzerland, Canada, Australia, New Zealand, the Scandinavian and all other European countries. Our system of government being more nearly akin to that of England we shall take her budget system as a basis for our discussion.

The first essential of a budget system is executive responsibility. The head of the executive branch of the government takes complete responsibility to the people for the financial policy of the nation. The legislative branch of the govern-

ment, retaining its original power of control over the public purse, yields to the executive the legislative initiative in matters of finance. He must prepare and introduce all measures making a charge upon the Treasury. The legislative branch refrains from adding any amendments by way of increasing any of the items or changing their purpose or adding any new items, without the consent of the executive. They may offer amendments to reduce, but these are rarely carried because the executive is supposed to control a majority.

The whole budget—which is in fact one great itemized appropriation bill for the entire annual expenses of the government as well as a revenue bill for meeting these expenditures—is passed as a unit without change, except by the executive. The opposing party is given ample opportunity for public criticism of the executive in relation to any items of the budget. The legislative body furthermore exercises a close watch over the expenditures to see that there are no deviations from the items as ratified. This is done through an appropriate organization with access at all times to the public accounts.

What a revolution the adoption of a budget system for our government would accomplish! The whole committee system of appropriating money would be abolished. The President as chief executive and party leader would shoulder complete responsibility for the nation's finances. He would, with the advice of his cabinet, settle all matters of financial policy including what should be spent on the army and navy. In this he would be exercising many of the functions of a prime minister.

The Secretary of the Treasury, acting always under the President, would become the finance minister of the United States. He would be responsible to the President for the unity and balance of the budget. That is he would see that the moneys asked for were applied in the proper proportion to the public service as a whole and that the total sum to be appropriated did not exceed the estimated revenues for the coming year. Should it be necessary to exceed them, provision must be made in the budget for additional taxation to meet the excess.

Assuming that we adopted a budget system as the term is

ordinarily used and as foreign nations practice, in general, the system, what would then be our method of procedure? Leaving out minor adjustments, action, in the main, would be as follows: The Secretary of the Treasury would, several months before the session of Congress, call on the spending departments for their estimates for the coming fiscal year. The Treasury would exercise a strict control over their preparation to prevent waste, and loss of efficiency. All new items or new projects would have to gain the Treasury's special approval. The completed, itemized estimates would be reviewed, criticized, revised and probably reduced, by the Treasury. Here also they would be classified, co-ordinated, a summary made, and the whole scheme of annual expenditures presented as a unit, department balanced with department, project with project, and the total balanced with the apparent revenues.

At the same time that the estimates are being prepared the Treasury would be estimating also the revenues. This would not be a serious undertaking as the revenue departments operate entirely under Treasury supervision.

Over the estimates of the War and Navy Departments the control of the Treasury would be only nominal on account of the questions of high policy involved and the technical skill required to criticize the various projects. The policy would be decided by the President and Cabinet, a provisional total expenditure agreed upon and the technical details worked out by the organizations of the military and naval establishments respectively. In any case the Treasury would be expected to clearly represent its position as to the possible sources of revenue. The influence of the Secretary of the Treasury would thus be felt at such a conference and would in effect be an indirect control over army and navy expenditures.

The total estimates having been prepared and the revenues proposed to meet them, the whole scheme would be approved by the cabinet. It would then be printed and bound and submitted to Congress by the President at or near the beginning of the session. The public would be given all the facts before any legislative action was taken.

Here is where the great change comes. These budget estimates would not be parceled out to several committees.

All the work which the House and the Senate committees now do would have already been done by the executive—and in a far more efficient and scientific manner. Details of the method would have to be worked out, but the President or some member representing him would lay the volume of estimates before the House as a project of legislation. It would be treated as though it were one great appropriation and revenue bill combined which had already been reported out with approval by a joint committee of the House and Senate. It would be considered as a unit in the House sitting as a committee of the whole.

Congress, by adopting a self-denying rule, in both houses, would prohibit any amendments increasing or changing any item without the consent of the executive. This would protect the Treasury from any sudden loosening of the strings of the public purse due to sudden feeling, or the pressure of local interests. Any such amendments would derange or destroy the unity of the budget. Congress would retain the right to reduce any item but would rarely practice it.

Open and public criticism would be freely allowed on all matters which the opposing party would be disposed to attack. This would form a check of great value to the public.

The whole plan would go through both House and Senate practically without change, except amendments made with the consent of the executive. The ratified estimates would become the budget law to be executed by the spending departments.

The logic of a budget system demands one other revolutionary change for its effective operation. The executive would have to be allowed the privileges of the floor of the House and the Senate. The cabinet officers would be given seats but not votes. They could not vote, not having been elected to their seats. Their presence, however, would be necessary to explain the various items of the budget and to defend themselves and the administration from the attacks that would naturally be directed against them. These criticisms would range from matters of policy to the details of administrative acts in the departments. While they are necessary and valuable as a check on the party in power, it is equally necessary and valuable for the public to have prompt explanations from

those leaders of the party in power who are directly responsible for the policies and acts concerning which complaint is made.

In order the more rigidly to enforce the provision of the constitution that "No money shall be drawn from the Treasury, but in consequence of appropriations made by law," Congress would establish a system of definite control over the expenditure of the budget items. They would, by minute examination of the accounts as well as by checks on the method of payment, see that the executive branch of the government in no way exceeded the authority given by the budget. This would prevent the shifting of items or the spending of any of the money for a purpose other than that specified.

The adoption of a budget system would eliminate "log-rolling" entirely. Invisible government would disappear. The whole financial system of the government would be run for the public benefit alone. The procedure would be open and aboveboard, democratic and business-like. The people would know where and how the money was going. The budget would give them a concrete plan for criticism and discussion. It would bring their public business home to them. What is now a mystery to the average man would become a topic of daily conversation. The sovereign citizen would be in a position to keep a closer watch on his public servants. Efficiency and economy would be practiced and democracy furthered on its way.

American Drama and the European War

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While the leading nations of the world are rocked in a giant catastrophe beyond the power of man's imagination to grasp, while war and its mortal devastation ensanguine the fields of Europe, it were well for the United States to hold firm to that sense and vision of the future which the conclusion of the European cataclysm will inevitably herald. There hang in the balance stupendous interests beyond calculation—monarchies, thrones, principalities, powers; the commercial destinies of nations; territorial integrity and territorial aggrandizement; the permanent alteration of boundary lines, the erection of new governments, and the destruction of established powers; the partition of existent nations; the abolishment of the ethic of militarism and barbarism; the rule of Europe, and perhaps the ultimate rule of the world. But over and above all these things hovers the shadow of a greater issue—an issue which underlies and interpenetrates all the others. This war must not result solely in destruction, be it the destruction of material wealth, of art treasures, or even the radical curtailing of armaments. The result of the war must be a great task of construction. Civilization must be rebuilt upon more stable and humane foundations. The leading men of today, of all nations, must formulate for future guidance and action the principles of a new world-civilization.

The principles of this new world-civilization can only be dimly surmised. Yet it cannot be doubted that its fundamental basis will be a larger sense of human brotherhood, a development upon a cosmic scale of practical principles of social solidarity. Little can be expected at this moment from the nations now at war. The supreme task of forming the league of a new humanity is a responsibility which rests upon the non-combatants. And it is to the United States of America, above all other countries, that the nations of Europe will inevitably turn, sooner or later, for the colossal work of mediation, of peace-making. Assuredly this country will not

be content with merely this; for the future of the world depends less upon the conclusion of the war than upon the issues which shall be settled as the consequence of the war for the future governance and guidance of civilized nations. The pacific temper of the United States, her isolated geographical location which removes from her the suspicion of ulterior national designs, her position of acknowledged leadership in peace movements in the world during the past decade, her superbly unselfish conduct in her dealings with Cuba, the Philippines, and Mexico, and above all the lofty ideals of world-politics of her great President, Woodrow Wilson—all of these considerations decisively prophesy that the United States shall play the leading rôle in the final settlement and disposition of the terms of peace of the European war. It will rest with American statesmen themselves as to whether the rôle played by this country shall stop short with mere mediation. It is scarcely to be doubted that a country which can offer for the great task of the reconstruction of civilization such world-figures as Woodrow Wilson, Theodore Roosevelt, William Howard Taft, Elihu Root, William J. Bryan, and others of almost equal repute as international publicists—it is scarcely to be doubted that this country with such a galaxy of great figures will measure up to the full responsibility of the cosmic task which will be imposed as the inevitable result of the European war.

In the meantime, it were well for America to realize the stupendous opportunities in other fields now afforded by the vicissitudes and changes of the European war. The opportunities in the fields of commerce and industry, in ship building and merchant marine have already begun to monopolize the attention of the country to the exclusion of higher and more ideal interests. I refer to the great opportunities in the fields of literature and of art. Generations of the youth, the talent, the genius of England, France, Germany, Austria, Belgium and Russia are perishing under the deadly rain of the mitrailleuse, the machine firer, and the siege gun. Art is by no means an excuse from military service; and it is to the glory of the countries at war that their artists, literators, and musicians

have flocked to the battle front to fight the supreme battle of the hour.

For the art world of Europe, the result is already deplorable in its tragedy. Art seeks sanctuary in cellars, or flees to countries remote from the seat of war. The only literature for which the populace is avid is the literature of warfare. The art of peace succumbs to the science of war. The delicate essayist is displaced by the war correspondent who can describe realistically, graphically, brutally, the actual scenes of warfare, devastation, misery and ruin upon the blackened fields of Europe, or paint with ruthless hand the lurid picture of the slaughtering of human beings by regiments and by battalions. One of my friends, editor of a representative magazine in England, writes me: "A new vision has come into life altogether. At this moment drama is dead in this country. Intellectualism itself is dead. We have become a nation of warriors, strategists, and patriots."

In literature the present moment is pregnant with possibilities for America. I do not doubt that, as the ultimate result of the European war, there will be a great outflowing of creative genius, especially in drama and poetry, in England and the European countries. History abundantly shows that the periods when the drama flourished most abundantly were periods consequent upon some immense outburst of national feeling. The individualistic temper became united to a sense of social solidarity in the face of a common foe. The social consciousness, thus nationally awakened, gave rise to a great expression of national solidarity. And this quickened sense of patriotism, this fortification of the national will, found expression in the creation of great dramas. The battle of Salamis, the destruction of the Armada, the Spanish conquest of the New World, the victories of Frederick in Germany, the glorious era of Henry IV in France—all heralded great outpourings of energy in the drama, in Greece, in England, in Spain, in Germany, and in France, respectively. It has not been generally recognized, hitherto, that the great revival of dramatic art in Scandinavia in our own time has a similar association. In the middle of the last century, Ibsen and Björnson in Norway, closely followed by Strindberg in

Sweden, are succeeded today by the Danes of the younger generation, Bergstrom, Lange, and Wied. This spontaneous and wholly unexpected emergence of great dramas among the Scandinavian people, according to Edwin Björkman, was consequent upon a development of the social consciousness, a stiffening of the national will; and this sense of social solidarity was brought into being by the sense of pressing dangers from without—the threatened aggression of Germany and of Russia.

Even if we accept this interpretation of dramatic history, it must be recognized that for a decade, certainly, and in all probability for the next quarter of a century, the drama will present a phenomenon of arrested development in Europe without a parallel in centuries. Countries impoverished by the gigantic financial demands of modern war have no time for the arts in the early decades immediately following the conclusion of peace. The claims of agriculture, the pressing demands of business, industry, and commerce, the tasks of reorganization of the instrumentalities of civilization—all successfully militate for a time against active participation in or preoccupation with literature and the arts.

It is in just this period of arrested artistic development in England and Europe—the period of the next two or three decades—that now looms up the greatest opportunity for American genius in her entire history. Up to the present moment, even up to the very outbreak of the war in Europe, America was artistically dependent upon England and Europe, for an enormous proportion of her dramatic entertainments. America went to England for the comedy of manners and the society play; to France for the drama of intrigue and domestic infelicity; to Germany and Austria for the best musical comedy; and in general to England and Europe for the greater social drama of the day—Pinero, Shaw, Barrie, and Galsworthy in England; Brieux, Hervieu, Rostand and Bernstein in France; Hauptmann, Sudermann, Schnitzler, Straus and Lehar, in Germany and Austria; Maeterlinck in Belgium; etc., etc. Translations and adaptations still continued to furnish a considerable share of the dramatic spectacles and dramas annually presented to American audiences.

In a moment, as if by magic, this supply suddenly ceased. Europe could no longer furnish American managers and impresarios with the eagerly desired dramatic wares. The supply was exhausted. And so a man like Mr. Charles Frohman, accustomed for many years to secure something like sixty per cent of his theatrical attractions abroad, is brought face to face with the realization that war has struck a mighty blow at dramatic commerce. Yet surely this very state of affairs argues the very brightest prospect for the immediate future of dramatic art in America. The swing of the pendulum had already been observed before the outbreak of the war. Mr. William Archer some time ago informed me of his satisfaction in noting that while the contemporary British dramatist excelled his American cousin in technic, the last recent American plays showed a greater vigor, a more eager sense of animation, than those produced in Great Britain. The first sign of a great change he observed some ten or eleven years ago; and today he is outspoken in his conviction that America has reacted characteristically to the extraordinary impulse toward the criticism of life in dramatic form which dates in Europe from about a quarter of a century ago. Prior to 1899, it can scarcely be doubted that our plays were, as a representative New Yorker expressed it, of two classes: American plays, and plays which came to us from Europe, mainly from France. The native plays were, for the most part, crude, unpolished and formless. The plays which came to us from France in especial were the best to be seen upon our stage. The very best in our native drama was as unhesitatingly attributed to French influence.

Only eight years later, the conditions were largely reversed. The preponderance of influence had decisively shifted from the foreign to the American playwright. The English plays were almost entirely displaced by American plays. The American advance during the past decade, in my opinion, has been much more pronounced and decisive, relatively, than the British advance, in drama. The Englishman, even the English dramatist, is still more or less insular in his taste. He prefers anything English, though second-class, to anything foreign, whether American or European, which is first class.

The American, who has not yet developed any sense of genuine pride in native drama, has showed a wholesome cosmopolitanism in dramatic entertainment. Frequent performances of foreign plays in America, many of them given in foreign languages, have had the good result of keeping the American critics and, in a lesser degree, the American public, well abreast of the European movement. I have striven, with others, to popularize the European drama in this country; and perhaps I may lay claim to some of the credit for the fact that Bernard Shaw was at home on the American stage long before he had won any sort of success in England.

Only yesterday, abundant evidence of the growing self-sufficiency of America in the domain of the drama began to come to light. More than a year ago, Sir Charles Wyndham outspokenly said that America was producing the best play-writing talent in English-speaking countries. And Mr. Winthrop Ames of the Little Theatre, after visiting England and Europe in the spring of 1913, was driven to the same conclusion. The opinion of the great English actor and that of the distinguished American manager, set beside the opinion of Mr. Archer, are significant of the truly phenomenal advance which America has made in the past decade.

The European war now throws open to American dramatic art the greatest opportunity it has ever enjoyed. For the next two or three decades, England and Europe will eagerly turn to America for dramatic entertainments of every description. America now stands to England and Europe in much the same position as a tributary province might have stood to the Roman Empire after the fall of Rome. The parent trunk was destroyed; but the life of the ancient stock and parent trunk, the offshoots of its energy and power, still flourished in luxuriance and richness. So today, while the dramatic art of England and Europe is suffering a deadly wound under the bludgeonings of a relentless militarism, American dramatic art, fresh, vigorous, animated, survives and flourishes—ready, if need be, to replenish the exhausted foreign field.

There are today two great impulses in the American drama which promise greatly for its immediate future. The first, an academic impulse which goes to the root of the problem, arises

from the distinction now enjoyed by America of studying in its colleges and universities the best modern drama. Ibsen, Hauptmann, Maeterlinck and Shaw are studied as seriously at Yale, Harvard, Minnesota and North Carolina as are Sophocles and Aristophanes at Oxford and Cambridge. From other academic ranks have graduated a large number of young playwrights, notable among them being Percy MacKaye, Edward Sheldon, and the late William Vaughan Moody, whose work is of the highest class, I daresay, that has been produced at all in the United States. The Drama League of America is fostering this academic impulse, and ministering as well to the great public in a progresssional helpful way through its business-like efforts to create an educated public for the better types of dramatic entertainment.

The second impulse in the contemporary American drama is the commercial impulse. On the whole, this is, for the first time in our history, a sanely beneficial one. For it is now at last true, in a large measure, that the American playwright is no longer the slave of the dramatic syndicate. The "star" system in acting, now steadily waning, no longer lays its arresting hand upon the fine and spontaneous expression of American dramatic impulse. The American playwright at last has a fair field and free competition in the disposal of his dramatic wares; and only the other day a beardless youth mounted to something like fame in a single night through an original drama.

The situation is immense. It flings a superb challenge to the dramatic genius of America. It is a ringing call to Augustus Thomas, to Eugene Walter, to Edward Sheldon, to Percy MacKaye, to George Broadhurst, to George Middleton, to William Gillette, to Rupert Hughes, to Rachel Crothers, to Josephine Preston Peabody, to J. Hartley Manners, W. C. DeWitt, Richard Harding Davis, Bayard Veiller, Paul Armstrong, J. M. Patterson, Edward Knoblauch, Charles Renn Kennedy, Margaret Mayo—to the American dramatist of today, whether in being or in promise. The higher interest is astir; communities are at work for the drama in their midst; dramatic critics of European calibre are at last developing in America; and, above all, American talent is experimenting

largely and freely in the dramatic medium. The characteristic American vigor, energy, spirit and animation are these. A little surer technic, a widening of the social horizon, a deepening of the intellectual problem—these, too, are coming rapidly. With their coming will come the assurance that America can meet the needs of England and Europe, and can take her place as one of the great drama-producing nations of the world.

The Teacher of Jefferson and Marshall

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When Chancellor Wythe of Virginia died in 1806, Jefferson wrote of him: "he was my antient master, my earliest and best friend; and to him I am indebted for first impressions which had the most salutary influence on my life." Henry Clay, who was for four years Wythe's amanuensis, whom Wythe taught and introduced into helpful society, as late as 1851 concluded a short sketch of his old friend "by an acknowledgement, demanded of me alike by feelings of gratitude, that to no man was I more indebted, by his instructions, his advice, and his example, for the little intellectual improvement which I made, up to the period, when, in my first year, I finally left the City of Richmond." St. George Tucker, author of Tucker's Blackstone, President of the Supreme Court of Appeals of Virginia, spoke of his predecessor at the "University of William and Mary" as "the gentleman to whose advice and friendly instruction" he was indebted for whatever talent he might be supposed to possess. And according to Hugh Blair Grigsby, college president, historian, and biographer of the famous Governor Littleton Waller Tazewell, Tazewell's "reverence for Mr. Wythe passed all words." A whole host of the most eminent thinkers and leaders in the history of America, might rise up and call him blessed—among them Chief Justice Marshall and President James Monroe, both of whom knelt at Wythe's footstool. For Wythe was the first professor of law in America, the second in the English speaking world, the teacher of nearly all the able public men from Virginia who were trained during the last half of the eighteenth century,—a glorious period in national life. How large his influence on American History one can only guess, when one runs over the long list of men who gained from him the inspiration and training for their leadership in American political thought.

And yet to one outside of the Old Dominion it will be surprising that no biography of any sort—not even a pretense of a "Life"—has ever attempted to set forth in detail the story

of this great teacher, statesman, judge, moulder of thought and of men. To Virginians, however, it is not surprising, for despite our boast of ancestry and pride in the contribution of the "grand old Commonwealth" to national greatness, we have not been forward in setting forth our claims in works of convincing scholarship. We have allowed "aliens" to write the history of our great men, and then, in the way of the world, complained of the "aliens" because they have not done it to our satisfaction. We are so justly confident of our place, that we see no reason why monuments should not everywhere be erected to our great characters whose reputation, of course, must be part of the subconscious accumulations of heathen New Englanders. But we should not be blamed too much for our unwillingness to sweat over the prosy task of giving evidence for the faith that is in us. For we have had, since 1865, to work without faltering for our very living, and have had little time or money for that painstaking scholarship demanded by the historical public. Now we are glorying in material victory, and find it necessary to make material victory greater.

But a new day is dawning, a new scholarship is developing, and the future will see many attractive and well wrought biographies and histories written south of the Potomac by men, who, unfortunately, have neither time nor money, only love for the truth—and ambition.

About Chancellor Wythe, there was an absence of the dramatic, apparently; of the spectacular; of the opportunity for advertisement. For he was not conspicuous as a soldier. The eminent soldier—sometimes the soldier that is not eminent—draws the biographer like a magnet. And although Wythe knew politics deeply, he was in no sense a skilled politician. Although, too, he was truly a great statesman, great in the estimation of his contemporaries, and not less than great in his influence on state and national institutions, he left no volumes of orations and kept himself out of the stilted newspapers of his day. His supreme greatness shone as a judge and as a teacher, and great judges—unless they be at once great politicians—and great teachers have not been favorites with those who help to increase the endless multitude of

books. In Wythe one must find a quiet, dignified, very learned, lovable and loving man who will live to fame as an able and virtuous jurist and as an inspiring teacher of the law. His chief aim, as he wrote in 1783 to his dear friend John Adams, was: "to form such characters as may be fit to succeed those which have been ornamental and useful in the national councils of America."

Most readers have not over-much friendliness to biographical details. But I am sure if they read this article at all, they will expect the author to save them the trouble of looking up the catalogue of dates and names which we seem to associate with a biographical study. For such readers one must say, in the conventional way, that George Wythe was born in 1726, in Elizabeth City County, Virginia, and that he was the son of Thomas Wythe, delegate in the House of Burgesses; grandson of Thomas Wythe, one of the first trustees of Hampton; and great-grandson of Thomas Wythe, the immigrant of 1680. And one may add that his mother was Margaret Walker, daughter of George Walker and Ann Keith, and for those of clerical interests, report that Ann Keith was the daughter of George Keith, Quaker preacher, mathematician, the first missionary to America sent by the "Society for Propagating the Gospel in Foreign Parts." The three "R's" he learned at school; his first acquaintance with Latin and Greek he received from his mother, who, however, knew of Greek only the alphabet and how to hold the dictionary; and a little finish he put on during a short stay at William and Mary College. Wythe, however, was preeminently a self-educated man. He had a passion for knowledge, scientific and classical, and an industry which hesitated at no labor to acquire knowledge. To all he was the "learned judge," or the "learned" Mr. Wythe. He studied law in the usual way of those days, in the offices of lawyers, and, in a manner not beyond imitation in our own time, married the daughter of one of his teachers, Ann Lewis, daughter of John Lewis of Spottsylvania County. He went through a few years of dissipation, much exaggerated in all probability by those who have written their little homilies on him, for in 1748 he was clerk of the Committee of Privileges and Elections of the House of

Burgesses, in 1754 he was Attorney General of the Colony during the absence of Peyton Randolph in England, and in 1758 member of the House from the College of William and Mary. From that time on till 1778 he was associated with the House of Burgesses and its successor, the House of Delegates, almost continuously as member from Williamsburg or Elizabeth City County, or as clerk protecting the journal from the Governor, or as speaker in 1777, put in by Jefferson, to help through reform legislation. In the course of this period, he was delegate in the Continental Congress and as such friend of John Adams, advocate of free trade and a Confederation, and signer of the Declaration of Independence. In 1776, likewise, he took an important part in framing the first Constitution of Virginia, and helped design the seal of the state. It was he who brought home from Philadelphia the draft of the Constitution which Jefferson had made, and among his papers it was found. It was Wythe, too, who induced John Adams to write his "Thoughts on Government" and Wythe was the "friend" to whom it is addressed.

He was one of the three authors of the famous report of the revisors in 1779, famous because of its advanced suggestions for the promotion of education, the abolition of entails and primogeniture, the gradual emancipation of slaves, and the establishment of religious liberty,—a report described in glowing terms in all the biographies of Jefferson. The same year that the report of the revisors was made, he became, under Jefferson's plan of reorganization for the college, the Professor of Law and Police. The year before saw him installed as one of the Chancery Judges of the State. The position of Chancery Judge, or at one time, sole Chancellor, he held till his death in 1806.

In 1787, he accompanied his friends, Washington, Madison, Edmund Randolph, Dr. James McClurg, George Mason, John Blair to Philadelphia to help frame a national constitution. And the following year he gave his great influence to the work of defeating the plans of Patrick Henry for delaying the ratification of the constitution until amendments had been tacked on. Wythe presided over the Committee of the Whole in the Convention that met in Richmond in 1788; and when victory

was won he brought in the list of amendments desired by Virginia at the earliest moment. The amount of Wythe's influence in this or any other body is hard to compute—for he did not make speeches or attempt political sleight of hand. But in the computation one must not omit these factors: that he was considered the most learned man in the state, that he was surrounded by his old pupils and friends; that he was cherished with a deep and tender affection such as few could command.

The rest of Wythe's life flowed along quietly and simply—in study, in teaching, in grave attention to deadening chancery papers, in undeviating idolatry of Jefferson, whose will he did; in charity, in love and harmony with his neighbors, except his lifelong rival, Edmund Pendleton; until finally he fell a victim to the poisoning hand of a grand-nephew on June 8, 1806. These are the simple annals of the learned, the wise, and the virtuous Mr. Wythe—or "Dr." Wythe, for he, like Benjamin Franklin and James Madison, honored the degree of Doctor of Laws from William and Mary; the degree could do them no honor.

Bishop Meade in his "Old Churches, Ministers, and Families of Virginia," quotes another preacher, Rev. Lee Massey, as saying Wythe was the only "honest lawyer he ever knew." One may, however, suspect the good preacher of exaggeration; a loyal Virginian would find difficulty in admitting the unique claim, because it would doom every other man of the period to the reputation of dishonesty. In Wythe's day, as in the days "before the war" Virginia was a state of lawyers. Many of them, too, were men of genuine ability and of incorruptible honor. Some may not have been. But of one thing we may be certain that there was never a breath of scandal about the legal career of George Wythe from the time he began to practice in 1746 till 1778 when he became Chancellor, and during his honorable career as judge down to 1806 when he died. About the details of his practice we know very little, but he was one of the leading lights of the colonial courts before which he practiced. A few and only a few of his arguments have been handed down, and these in the reports which Jefferson collected.

We wish there was more about the details of the practice of the brilliant men of those days. Law was in those innocent times a most attractive profession. Personality and oratorical ability counted for much; more, no doubt, than they do in this day of legal specialization and large office practice. Startling things were always happening. Stirring appeals and massive logic were nothing unusual when Wythe and Pendleton, John and Peyton Randolph hurled their thunderbolts at one another, or in that day a little later when Patrick Henry and John Marshall, John Wickham and Daniel Call matched their noble abilities and characters as well.

The great rival of Wythe was Edmund Pendleton, the distinguished patriot and statesman of national fame. And this rivalry, begun in practice at the colonial bar, continued with no little ill-feeling when they had come to the highest judicial offices in the new state. In the opening of a case, in the concise statement of the facts, in the sturdy delivery of legal learning and argument before the court, Wythe was a master. But in fluency of language, in control over the feelings of a jury, in ability to wrest a verdict, he was at a disadvantage in the contest with the alert, quick-witted Pendleton, and he felt it. On one occasion after receiving discomfiture at the hands of his wily opponent, in discouragement he declared that he was going to throw up the law, go home, take orders, and preach the gospel. A friend with more humor than Wythe possessed, playfully added, "Yes, and then Pendleton will go home, give up law, take orders, preach the gospel and beat you there."

Wythe's conception of legal ethics, as we have said, was exalted—but legal ethics is a most elusive subject and none but a Philadelphia lawyer is able to state in terms smooth enough for the public and safe enough for the lawyer the moral obligations of the profession. What cases the attorney should undertake, what are the legitimate methods of advancing his client's interest none but the client and the lawyer should, I suppose, say. But a far distant observer, cautiously expressing his views after slight experience might be pardoned for advancing the opinion that, of the two, lawyer and client, the client is likely to be the more unscrupulous. Has not Mr. Bradford in the *Atlantic* told us the story of the titanic south-

ern genius of ante-bellum days? Approaching Robert Toombs on the possibility of the collection of a claim, a would-be client received from the fierce old Georgian the answer, "you *can* collect this claim but you *should* not. This is a case where the law and justice are on different sides." And when the client insisted on proceeding to secure judgment from the court, Toombs shut him up with the thunderous: "Then hire somebody else to assist you in *your damned* rascality."

I think, however, Wythe is unique in the history of the legal profession in one respect: he took a perfect delight in receiving small fees. No one was allowed to overpay him—more than he thought he had earned he gave back. Did any other lawyer ever receive more than he thought he had earned—even Robert Toombs? Not a dirty coin, it is said, ever reached the bottom of the pockets of the Georgia lawyer, and I think it is true not one ever reached the bottom of the pocket of the Virginian, George Wythe. A case that seemed to him unjust he rejected, doubtful statements made to him by clients had to be repeated under oath. The learning and abilities of good old Chancellor Wythe, so far as he could help it, were never prostituted to gratify the passions of the greedy, never became the midnight tools of those who would undermine the temple of justice.

The beginning of Wythe's judicial experience was as one of the justices who held court, in the old Virginia way, in Elizabeth City County. And at least one case was decided by these justices that is of national importance. Everybody knows by heart the famous Parsons' Case argued in 1763 by Patrick Henry before the justices of Hanover County, but few know of the Parson's Case decided that same year in Elizabeth City County—the case of Warrington (the parson) vs. Jiggitts. The record reads quaintly:

"Wednesday the 2d of March 1763

Presdt George Wythe * * *

Warrington vs. Jiggitts—the matter of law arising on a specl verdt being this day argued It seems to the court that by virtue of the Act of the Assembly made etc. that the Law is for the Deft and Judgt for the Deft from wch Judgment the Plt prayed an appeal to the 19th day of the next General

Court upon his entering into Bond with security between this and the next court." There seems, however, to have been no Patrick Henry to give this Parson's Case the fame it deserves.

When the High Court of Chancery was created in 1777, of the three judges Wythe became one. The sessions were at Williamsburg, the jurisdiction all but unlimited in both original and appellate cases, the terms were two a year, the salary was £500. Eleven years later the judges were reduced to one, the terms were increased to four, the jurisdiction of the court extended over the whole state, Richmond was the seat of its sessions. George Wythe, sole chancellor, soon removed from Williamsburg to Richmond, occupying a residence on the corner of Fifth Street and Grace—a spot now marked in his honor. In 1802 three districts were created with superior courts of chancery in each, holding their sessions respectively at Richmond, Williamsburg, and Staunton. George Wythe remained the chancellor at Richmond. This was the arrangement until his death.

The reasons for the appointment of Wythe are given by Beverly Tucker, son of St. George Tucker, who was quoted at the beginning of this article, and like his father, "Professor of Law in the University of William and Mary." In a book published in 1846 on the "Principles of Pleading," he describes the intention of the fathers in 1777 when the higher courts were established in the state. "The difficulty," he says, "was to find the men fit to fill these important posts. *Integrity and talent* were abundant, but a *learned* lawyer was indeed a *rara avis*. What motive had the lawyers had to acquire learning? With the exception of some few who had studied the profession abroad, and had not been long enough in Virginia to lose the memory of what they knew, in the loose practice prevailing here, there was but one man in the state who had any claims to the character. I speak of the venerable Chancellor Wythe, a man who differed from his contemporaries in this, because in his ordinary motives and modes of action he differed altogether from other men. Without ambition, without avarice, taking no pleasure in society, he was by nature and habit addicted to solitude, and his active mind found its only enjoyment in profound research. The language of antiquity, the

exact sciences, and the law, were the three studies which alone could be pursued with a reasonable hope of arriving at that certainty, which his upright and truth loving mind contemplated as the only object worthy of his labors. To these he devoted himself and he became a profound lawyer for the same reason that he was a profound Greek scholar, astronomer and mathematician." If the founders of the courts were in search of learning, Professor Tucker is not wrong in thinking that they found it in Chancellor Wythe. Indeed his learning was so extensive and so lavishly spread upon the pages of his opinions that these opinions appear somewhat pedantic and cumbersome. Not only was legal lore exhausted when he spoke, but the "approved English poets and prose writers"—as he called them—and the more unfamiliar Latin and Greek authors, and even mathematical and natural sciences were quarries from which in concealed places he dug out his allusions and quotations. In the eight pages of one opinion with its footnotes, Bracton and Justinian, Juvenal's Satires, and Quintilian, Euclid, Archimedes and Hiero, hydrostatic experiments and Coke on Littleton, Tristram Shandy and Petronius, Halley and Price and Prometheus, Don Quixote and Swift's Tale of a Tub, Locke's Essay on Human Understanding, and Turkish travellers, chase one another up and down to the bewilderment of all but the universal scholar. All contemporaries stood in awe of his erudition, and referred to him as *the famous judge*.

His imperviousness to every kind of influence and endeavor to avoid every appearance of evil may be illustrated by two stories told by those who knew him well. A well-to-do former resident of the West Indies, while a case of his was under consideration, sent to the judge's house a bottle of old arrack for the judge and an orange tree for Miss Nelson, his niece. Wythe promptly returned them with thanks, and sent back the message that he had long since given up old arrack and that Miss Nelson had no conservatory in which to plant the orange tree. On another occasion, Bushrod Washington, later Judge Washington of the United States Supreme Court, is said to have brought to Wythe a plea for an injunction to protect a client. The client was a General Blank, who owed money, but had received promise from his creditor that it would not

be collected until it suited the convenience of the General. As time elapsed the creditor's patience became exhausted, and he sued for recovery of the debt. General Blank then induced Mr. Washington to draw the papers asking Judge Wythe for an injunction staying judgment on the ground that it was still inconvenient to pay. Wythe calmly examined the papers, and then with a pleasant smile turned to Washington and said: "Do you think I ought to grant this injunction?" Blushing and embarrassed the nephew of Washington replied *no*, but his client had insisted upon it.

It would hardly be wise in a general article to enter into a detailed consideration of Wythe's decisions, and yet a treatment of the Judge's life that does not at least show the significance of one or two of his important opinions would be too superficial for a serious publication. Interest, however, is added to one of them by the fact that the vital question of jurisprudence involved in the case is one of the mooted questions of our day. We are discussing at length in books and current periodicals the relation of the court to legislative enactments—whether the practice of the courts in declaring null the acts of legislative bodies is historically sound and socially expedient. Whatever may be the social expediency of the doctrine and practice, historical scholars like Professor Beard and Professor McLaughlin have made it clear that John Marshall in 1803 when he handed down the first decision in *Marbury vs. Madison* declaring null a congressional statute, was not usurping the power; that the course of colonial thought, the position of colonial charters, the Revolutionary conception of the just limitations on English parliamentary authority, the decisions of the state courts after independence was secured, the views of prominent members of the Federal Convention of 1787—all led the way most naturally to the strong position which John Marshall was accused of seizing improperly. Someone with a background of historical knowledge and a broad view of jurisprudence should set forth the Virginia influence operating on the mind of Marshall, especially the views of Marshall's teacher, George Wythe. Not much has been said on this phase of Wythe's importance, and what is said is usually mixed with error and ignorance. It is not true that Wythe

was the first state judge to announce the supremacy of state courts over state statutes, but the essential fact is not whether he was first or second, but the vigor with which he announced his opinion, and the influence his views may have had on the mind of his pupil and colleague, the great chief justice, who carried the same conception of judicial supremacy over into the realm of the constitutional law of the nation which Wythe announced in the Virginia courts before which Marshall practiced. The Virginia case which I have in mind is one decided in 1782 by the Court of Appeals, of which Wythe as chancery judge was *ex officio* member, and over which Edmund Pendleton was presiding justice. It was the case of Commonwealth vs. Caton. The Attorney General of the state was endeavoring to secure the execution of a sentence of treason against Caton and others already convicted but pardoned by an alleged power of the House of Delegates. The issue was presented whether, even if the House in passing their resolution of pardon were within the meaning of the statute, it were not acting beyond its powers, whether the statute itself was not in violation of the constitution of the state, and whether under such circumstances the statute was not void. Pendleton, declaring that the matter was "a deep, important, and tremendous question" the decision of which involved awful consequences, evaded the issue. George Wythe never evaded an issue in his life. He boldly plunged forward in memorable words that cannot be omitted: "I approach the question which has been submitted to us; and although it was said the other day, by one of the judges, that, imitating that great and good man, Lord Hale, he would sooner quit the bench than determine it, I feel no alarm; but will meet the crisis as I ought; and, in the language of my oath of office will decide it, according to the best of my skill and judgment.

"I have heard of an English chancellor who said, and it was nobly said, that it was his duty to protect the rights of the subject against the encroachments of the crown; and that he would do it, at every hazard. But if it was his duty to protect a solitary individual against the rapacity of the sovereign, surely it is equally mine to protect one branch of the legislature, and, consequently, the whole community, against

the usurpations of the other and, whenever the proper occasion occurs, I shall feel the duty and fearlessly perform it. Whenever traitors shall be fairly convicted, by the verdict of their peers, before the competent tribunal, if one branch of the legislature, without the concurrence of the other, shall attempt to rescue the offenders from the sentence of the law, I shall not hesitate, sitting in this place, to say to the general court, *Fiat justitia, ruat coelum*; and to the usurping branch of the legislature, you attempt worse than a vain thing; for, although you cannot succeed, you set an example which may convulse society to its center. Nay more, if the whole legislature, an event to be deprecated, should attempt to overleap its bounds, prescribed to them by the people, I, in administering the public justice of this tribunal will meet their united powers; and, pointing to the constitution, will say, to them, here is the limit of your authority; and hither, shall you go, but no further."

One other case I will just mention and then pass on. During and following the Revolutionary war, acts had been passed in the states attempting to confiscate debts owed by Americans to British creditors—creditors who often had been none too scrupulous themselves in dealings with colonial planters. The legislature of the state passed a statute allowing Virginia debtors owing money to British merchants to pay them by turning into the state treasury paper currency. The treaty of peace, however, in 1783, placed the government of the United States under pledge that no legal impediments would be placed on the collection of American debts due to British citizens. Despite the treaty, payments were withheld. In a case that came before Wythe, regardless of popular clamor, and of the alien character of the claimants, he stepped into the breach, upheld the validity of the treaty and ordered the payment of obligations. In a footnote to this decision added in the report published in 1795, he bitterly scores the idea that a judge should be susceptible of national prejudice, and lashes with the scorpions of his rhetoric attorneys who had advocated the doctrine of theft.

From this slight review of the Chancellor one would, no doubt, acknowledge that Wythe's reputation for boldness,

originality, learning, and integrity was well founded. If Marshall was correct in saying that an ignorant, corrupt, and dependent judiciary are the greatest curse that could afflict a people, we should be willing to contend that wise, righteous, and fearless judges, like Wythe, are the most treasured possessions of a free people.

If Wythe was a great statesman and a great judge, to me he is most attractive as a teacher and a man. He was possessed of all the gifts that should adorn the ideal instructor of youth who attempts that sacred office of standing before impressionable minds and characters. In this day, when the teacher's position, the college teacher's position, like that of the clergyman, is being robbed of some of its relative power by the absorption of our generation in the task of the changers of money—when, indeed, the very physical limitations imposed by too meagre financial resources on the teacher in a modern college make impossible to him the utilization of many privileges that adorn and develop the spirit and lend influence to character,—at such a time one re-reads for inspiration the story of a struggling college president like Robert E. Lee of Washington College, and the story of a distinguished statesman and jurist like Wythe, whose chief pleasure was the training of young men. Men like Wythe and Lee have lent a luster to the professor's labors which men like Henry Van Dyke and Woodrow Wilson have tried to keep bright.

Possessed he was of scholarship, of real ingenuity of method, of an inspiring personality, of sincere and solid worth, of a genuine love for his subject, for his profession, and, most important of all, of a deep affection for the young men who ate of the bread of life which he broke. They to him were not receptacles, not apparatus, not material for experimentation, not means of livelihood; they were living souls, they were generous hearted friends, they were companions journeying with him along the road to truth and manliness.

But would we have some facts, names, dates to which we can tie? When Jefferson entered William and Mary College in 1760 he found there as Professor of Mathematics, Dr. William Small, a friend of James Watt, the inventor of the steam engine. After teaching him for two years, Professor Small

placed his favorite pupil under the instruction of Wythe, then an eminent lawyer living in Williamsburg. Wythe became to Jefferson his faithful mentor and most affectionate friend and remained such till his death. When Jefferson became in 1779 a member of the Board of Visitors, he reorganized the college and made a distinguished place for his own teacher. In that year the grammar school was dropped, the divinity chairs abandoned, and professorships after the following order were created:

Professor of Mathematics and Natural Philosophy—James Madison.

Professor of Medicine and Anatomy—James McClurg.

Professor of Modern Languages—Charles Bellini.

Professor of Moral Philosophy, the law of nature and of the nations and the fine arts—Robt. Andrews.

Professor of Law and Police—George Wythe.

The professorship of law here created and filled by Wythe was, as we have said above, the first in America and the second in the English-speaking world. The professors received each eight hogsheads of tobacco yearly salary, and the students paid 1,000 lbs. of tobacco for the privilege of attending the lectures of two professors, 1,500 to attend any three. It is not without interest that as early as this, old William and Mary, as influential in days gone by as any institution of learning in the country, educator of Presidents of the United States, Governors of Virginia, Justices of the Supreme Courts of the country and the Old Dominion, Senators, Congressmen and other public men without number, boasted of a scientific laboratory, of the honor system in deportment, and of the elective system of study. Thomas Jefferson was the connecting link between William and Mary College and the University of Virginia.

In his instruction in the law, George Wythe used several methods that are worthy of mention—one was the lecture method. His lecture notes had been preserved as late as 1810. Since then they have disappeared and are probably hid away in an old dust-covered box or barrel in somebody's garret or cellar. Not the least attractive features of his instruction were the expedients used by him to bring out the student's thought

and expression. Both the moot court and the moot legislature were used by him, the latter for the purpose of encouraging his students to inform themselves on the questions of the day in Virginia. Would it not be worth while to describe these institutions as they were viewed by a participator in them? Fortunately, one, John Brown, student of William and Mary in 1780, wrote instructive letters from college to his friends, and, fortunately also, these letters are at our hand: "I still continue," he says, "to enjoy my usual state of Health and endeavor to improve by the Advantages of my situation; which of late have been greatly augmented; for Mr. Wythe ever attentive to the improvement of his Pupils, founded two Enstitutions for that purpose, the first is a Moot Court, held monthly or oftener in the place formerly occupied by the Gen'l Court in the Capitol. Mr. Wythe and the other professors sit as Judges, our Audience consists of the most respectable of the Citizens, before whom we plead Causes given out by Mr. Wythe lawyer like I assure you. He has formed us into a Legislative Body, consisting of about 40 members. Mr. Wythe is speaker to the House, and takes all possible pains to instruct us in the Rules of Parliament. We meet every Saturday & take under consideration those Bills drawn up by the Com^{tee} appointed to revise the laws, the [which] we debate and Alter [I will not say amend] with the greatest freedom. I take an active part in both these Institutions & hope thereby to rub off that natural Bashfulness which at present is extremely prejudicial to me. These Exercises serve not only as the best amusement after severe studies, but are very useful & attended with many important advantages."

Would it not be most entertaining and helpful for a modern professor to have a glimpse of the letters that go back home?

If the test of the teacher is the ability and character of the students he turns out into the world and the respect which they retain for him in the more mature years when values in college life are revealed, Wythe must have been one of the greatest of instructors. One of his pupils, as we have seen, became Chief Justice of the United States and followed out the teachings of his preceptor in his own interpretations of the

law. Two others, James Monroe and Thomas Jefferson, became President, and another was Henry Clay. The relations between Jefferson and his teacher were a testimony to the greatness of both men. All the tenderness of a tender nature went out from the great Democrat to the mentor of his youth. Letters passed from the distinguished pupil to the old professor that read almost like love letters of affinities. As Vice-President, Jefferson wished the advice of the older man, more than that of any other, in the preparation of the famous "Manual of Parliamentary Law" of which science Wythe had had opportunity to become a master. The Sage of Monticello never failed to speak to others of the character and ability of the professor and the Chancellor. He counted it the highest blessing his nephew could receive to study under the leadership of the same noble spirit who had led him. To him Wythe was "one of the greatest men of his age," the leader of the bar, of spotless virtue. Whoever paid another such homage as this: "I know that, to you, a consciousness of doing good is a luxury inefable. You have enjoyed it already beyond all human measure." And when Wythe died, he left to his dear and life-long friend, Thomas Jefferson, the best testimony of his love—his library, his mathematical apparatus, his silver cups, and his gold-headed cane.

In his latter days in Richmond we can picture to ourselves an old man of four score years, bald except for the hair rolled up behind his head, of medium height, bowing in men of business and bowing them out without a word, distributing charity through his clerical friends, abstemious in eating and drinking, loving his bath, going himself to his favorite bakery, reading dry papers of the law with minute conscientiousness—reading them even on that premature bed of death, to which he was doomed by the poisonous hand of a grand-nephew,*—breathing out words of charity and faith.

On the day of the funeral, the 10th of June, 1806, there followed the remains, clergymen, physicians, city councillors, the governor, besides relatives and friends, and a numerous company of citizens, more numerous than would have attended, say those who were present, the body of any other Virginian

* It should be said that the grand-nephew was not judicially convicted.

of the time. The funeral oration was delivered in eloquent terms by a pupil whom Wythe had cared for in a peculiarly intimate manner, William Munford, member of the Governor's Council.

And Thomas Jefferson, President of the United States, wrote to William DuVal of Richmond, neighbor and executor of Wythe, the following letter hitherto unpublished:

WASHINGTON June 14, 06.

SIR

Your letters of the 4th & 8th inst. have been duly received, the last announcing the death of the venerable Mr. Wythe, than whom a purer character has never lived—his advanced years had left us little hope of retaining him much longer, and had his end been brought on by the ordinary decays of time & nature, altho' always a subject of regret, it would not have been aggravated by the horror of his falling by the hand of a parricide—such an instance of depravity has been hitherto known to us only in the fables of the poets—I thank you for the attention you have been so kind as to shew in communicating to me the incidents of a case so interesting to my affections. he was my antient master, my earliest & best friend; and to him I am indebted for first impressions which have had the most salutary influence on the course of my life. I had reserved with fondness, for the day of my retirement, the hope of inducing him to pass much of his time with me. it would have been a great pleasure to recollect with him first opinions on the new state of things which arose soon after my acquaintance with him; to pass in review the long period which has elapsed since that time, and to see how far those opinions had been affected by experience & reflection, or confirmed and acted on with self-approbation. but this may yet be the enjoyment of another state of being.

You seem to suppose mr Wythe had inclosed to me a copy of his will, but this was not the case. I hope he had time to alter it's dispositions as to him who has brought it prematurely into force. Accept my salutations & assurances of esteem and respect.

TH: JEFFERSON.

Mr. Duvall.

Arthur Christopher Benson: Essayist

MAY TOMLINSON

There has perhaps never been a more ardent student of life than Mr. Arthur Christopher Benson. Ruskin, turned political economist, agonized over the evil and ugliness of the world; William Morris, become socialist, threw all his energy of body and mind into the cause of social reform; poets like Browning and Whitman have surveyed comprehensively the field of life; philosophers have proffered their guesses at the riddle of existence; Mark Twain and other humorists have found amusement in the idiosyncrasies of man and the incongruities of life; Carlyle, a profounder humorist, with amazing powers of apprehension and gift of picturesque speech, has flashed upon the page of history vivid word-pictures of scenes both tragic and humorous; yet none of these have looked out upon the world with quite the eyes of our essayist, none have tasted the "wholesome savours of life" with more enjoyment. Without being either poet (he himself disclaims the title), painter, socialist, moralist, philosopher, or humorist, he possesses one quality common to all of these observers, a lively interest in life itself.

While Mr. Benson has made no attempt to formulate a specific philosophy of life, he has speculated upon many problems and arrived at certain conclusions. His impulse has been to get behind things, to weigh their values, to mistrust the conventional view of life, to judge for himself what things are most worth while, what tastes are to be indulged, what things one can safely set one's affections upon, and where happiness lies. He has endeavored in more than one of his books to depict a certain kind of tranquil life, a life of reflection rather than action, of contemplation rather than business. His aim has been to show how it is possible for people living quiet and humdrum lives, without any opportunities of gratifying ambition or for taking a leading part on the stage of the world, to make the most of simple conditions, and to live lives of dignity and joy. His belief is that what is commonly called success has an insidious power of poisoning the clear springs of life. He be-

lieves with all his heart that happiness depends upon strenuous energy; but he thinks that this energy ought to be expended upon work, and everyday life, and relations with others, and the accessible pleasures of literature and art. The gospel that he detests is the gospel of success, the teaching that everyone ought to be discontented with his setting, that a man ought to "get to the front, clear a space round him, eat, drink, make love, cry, strive, and fight." This he thinks, is a detestable ideal, because it is the gospel of tyranny rather than the gospel of equality.

What he desires to encourage is "a very different kind of individualism, the individualism of the man who realizes that the hope of the race depends upon the quality of life, upon the number of people who live quiet, active, gentle, kindly, faithful lives, enjoying their work, and turning for recreation to the nobler and simpler sources of pleasure—the love of nature, poetry, literature, and art."

Mr. Benson is quite sure that the real pleasures of the world are those which cannot be bought for money, and which are wholly independent of success. He sees no reason why the kind of zest that children exhibit in their play, the faculty of extracting an extraordinary amount of pleasure out of the simplest materials, should not be imported into later life. He perceives that people who practice self-restraint, who are temperate and quiet, do retain a gracious kind of contentment in all that they do, or say, or think, to extreme old age; he perceives that it is the jaded weariness of over-strained lives that needs the stimulus of excitement to carry them along from hour to hour.

Mr. Benson feels that by being allowed to live, for however short a time, we have been allowed to take part in a very beautiful and wonderful thing; that the "loveliness of earth; its colours, its lights, its scents, its savours, the pleasures of activity and health, the sharp joys of love and friendship, are really very great and marvellous experiences;" he perceives that even our sorrows and failures often bring "something great to our view, something which we feel that we have learned and apprehended, something which we would not have missed, and which we cannot do without."

Mr. Benson is inclined to question the popular belief in the virtue of effectiveness. "We tend to believe," he says, "that a man is lost unless he is overwhelmed with occupation, unless, like a juggler, he is keeping a dozen balls in the air at once. Such a gymnastic teaches a man alertness, agility, effectiveness. But it has got to be proved that a man was sent into the world to be effective, and it is not even certain that a man has fulfilled the highest law of his being if he has made a large fortune in business." He believes that the only effectiveness that is worth anything is unintentional effectiveness. There is far more justification in the gospel, he asserts, for a life of kindly and simple leisure than there is for what may be called a busy and successful career. "God's concern with each of us is direct and individual; the influences and personalities he brings us in contact with are all of his designing; and we may be sure of this, that God will make us just as effective as he intends, and that we are often more effective in silence and dejection than we are in activity and courage."

The following excerpt presents a fairly good epitome of Mr. Benson's theory of life:

* * * I have practiced activity, I have mixed much with my fellows; I have taught, worked, organized, directed; I have watched men and boys; I have found infinite food for mirth, for interest, and even for grief. But I have grown to feel that the ambitions which we preach and the successes for which we prepare are very often nothing but a missing of the simple road, a troubled wandering among thorny by-paths and dark mountains. I have grown to believe that the one thing worth aiming at is simplicity of heart and life; that one's relations with others should be direct and not diplomatic; that power leaves a bitter taste in the mouth; that meanness, and hardness, and coldness are the unforgivable sins; that conventionality is the mother of dreariness; that pleasure exists not in virtue of material conditions, but in the joyful heart; that the world is a very interesting place; that congenial labor is the secret of happiness; and many other things which seem, as I write them down, to be dull and trite commonplaces, but are for me the bright jewels which I have found beside the way.

On the subject of education Mr. Benson has very definite opinions. His present position as a university don and his past experience as a schoolmaster qualify him to speak with authority. He attacks the accepted theory of mental disci-

pline; he regrets that the cultivation of the artistic sensibility should be so altogether neglected; he feels it a shame that men and women should be allowed to grow up with fine emotions atrophied. "Our education tends neither to make men and women efficient for the simple duties of life, nor to arouse the gentler energies of the spirit." He looks back upon his own school-days and reflects "how small a part any fanciful or beautiful or leisurely interpretation ever played in our mental exercises; the first and last condition of any fine sort of labour—that it should be enjoyed—was put resolutely out of sight." He admits that there must be labour, "effective, vigorous, brisk labour, overcoming difficulties, mastering uncongenial details; but the end should be enjoyment; and it should be made clear that the greater the mastery, the richer the enjoyment; and that if one cannot enjoy a thing without mastering it, neither can one ever really master it without enjoying it." Mr. Benson repudiates the prevailing notion that education ought to make men dissatisfied and teach them to desire to improve their position. "It is a pestilent heresy," he declares. "It ought to teach men to be satisfied with simple conditions, and to improve themselves rather than their position—the end of it ought to be to produce content."

The danger of saying over again what one has said before, a danger into which the author who produces a long series of books is likely to fall, Mr. Benson has not altogether escaped. The fact that he repeats himself is patent to whomever reads his books, whether one takes them as they come from the press, volume after volume, with the short intervals between, or goes rapidly through the entire list in one continuous, eager, and intense perusal. Though in his latest work, *Where No Fear Was*,*—which contains some fresh and vigorous criticism,—Mr. Benson follows a new line of thought, even here the old ideas crop out again. Some of Mr. Benson's warmest admirers—people who read with deep interest everything that he puts forth, and who would read with pleasure, so great is their delight in his pure and beautiful style, whatever he might say—have expressed the wish that he would lay down his pen. To desist from the practice of writing would be a real

* This essay was written before the publication of *Escape and Other Essays*.

and great deprivation to one who enjoys the shaping of sentences so intensely. Perhaps Mr. Benson has some hobby the pursuit of which might serve as a substitute. A hobby is sometimes a happy possession. Meanwhile, we do not forget that Mr. Benson has said, "To forbid myself to write would be to exercise the strongest self-denial of which I am capable."

It is to be expected that Mr. Benson's views along certain lines should be other than those commonly accepted. So it is not surprising to find him holding rather unusual ideas on the subject, for instance, of personal criticism, and diverging decidedly from those who disapprove of the discussion of other personalities. To him, of all the shifting pageant of life, by far the most interesting and exquisite part is our relations with the other souls who are bound on the same pilgrimage. "One desires ardently to know what other people feel about it all, what their motives are, what are the data on which they form their opinions—so that to cut off the discussion of other personalities, on ethical grounds, is like any other stiff and Puritanical attempt to limit interests, to circumscribe experience, to maim life. The criticism, then, or the discussion of other people is not so much a *cause* of interest in life, as a *sign* of it; it is no more to be suppressed by codes and edicts than any other form of temperamental activity. It is no more necessary to justify the habit than it is necessary to give good reasons for eating or for breathing; the only thing that is advisable to do is to lay down certain rules about it, and prescribe certain methods for practicing it."

Again, Mr. Benson's keenness of vision testifies to his interest in life and his understanding of human motives. Every display of true insight gives occasion for gratitude, for it is by such depiction that those of us who are less astute are led to a fuller knowledge of the spirit of man; by such means we are shown the rightness or the wrongness of our own observations, and encouraged to make excursions on our own part. Some of us can even discover an acquaintance in Mr. Benson's egotist, whose true inwardness comes out with such amazing clearness in the reproduction.

Those for whom Mr. Benson's words have a very great charm are grateful for the personal revelations which his

books afford, for the intimate, everyday knowledge of him, and the friendly, confidential attitude which he assumes. Theirs is not a vulgar curiosity; it is a real and kindly interest, the interest that one feels in a friend who has been transferred to a new environment and to whom one looks eagerly for some description of the unfamiliar surroundings, some programme of the daily doings, some account of the new experiences, so that one can give the right setting to one's mental picture of the absent friend, and follow him in imagination through the different hours of the day. Mr. Benson's unknown friends are interested in his smallest doings, they welcome any hint as to his manner of living, any chance expression of personal likes and dislikes. It is of interest to them that he feels the languor of spring, and that to him autumn is the sweetest season of the year, and that he enjoys the prospect of long fire-lit evenings; they like to know that he loves his own fireside, his own arm-chair, his own books, his own way; that he feels it his duty to be civil to callers to whom he has nothing to say; that he prefers breakfast alone. They read with interest—perhaps with sympathy—such personal bits as these: "The summer has come, and with it I enter into purgatory; I am poured out like water, and my heart is like melting wax; I have neither courage nor kindness, except in the early morning or the late evening. I cannot work and I cannot be lazy. The only consolation I have—and I wish it were a more sustaining one—is that most people like hot weather better."—"I love to spend a large part of the day alone; I think that a perfect day consists in a solitary breakfast and a solitary morning, in a single companion for luncheon and exercise; again some solitary hours; but then I love to dine in company, and, if possible, to spend the rest of the evening with two or three congenial persons. But, more and more, as life goes on, do I find the mixed company tiresome, and the tête-à-tête delightful."—"There is another thing that has grown upon me, my dislike of mere chatting . . . there is nothing that induces more rapid and more desperate physical fatigue than to sit still and pump up talk for an hour." These unknown friends are glad to be shown the scene in which Mr. Benson lives and works: "I found myself at once at home in my

small and beautiful college, rich with all kinds of ancient and venerable traditions, in buildings of humble and subtle grace. The little dark-roofed chapel, where I have a stall of my own; the galleried hall, with its armorial glass; the low book-lined library; the panelled combination-room, with its dim portraits of old worthies; how sweet a setting for a quiet life! Then, too, I have my own spacious rooms, with a peaceful outlook into a big close, half orchard, half garden, with bird-haunted thickets and immemorial trees, bounded by a slow river." These friends are grateful, too, for occasional glimpses of the encircling outside world in which he moves, that pastoral Cambridge landscape, "with its long lines of wold, its white-walled, straw-thatched villages, embowered in orchards and elms, its slow willow-bound streams, its level fenland with the far-seen cloud-banks looming over head."

Mr. Benson tells us that he is not a humourist, loving beauty better than laughter. That is well. But our essayist is by no means without a sense of humour. Indeed, it is a very rich vein of humour that one finds running through his work; it is humour of a very delicate and exquisite quality, showing sometimes a tinge of gentle irony, as when we are told of the aristocratic guests who come to luncheon self-invited, or when we read, in that altogether pleasant chapter on *Sociability*, of his garden-party experience. There is a deliciously humorous passage in Mr. Benson's charming essay on *Growing Older*. He is speaking of that quality which is productive of such an extraordinary amount of pain among the youth, the quality of self-consciousness:

How often was one's peace of mind ruined by *gaucherie*, by shyness, by the painful consciousness of having nothing to say, and the still more painful consciousness of having said the wrong thing in the wrong way! Of course, it was all painfully exaggerated. If one went into chapel, for instance, with a straw hat, which one had forgotten to remove, over a surplice, one had the feeling for several days that it was written in letters of fire on every wall. I was myself an ardent conversationalist in early years, and, with the charming omniscience of youth, fancied that my opinion was far better worth having than the opinions of dons encrusted with pedantry and prejudice. But if I found myself in the society of these petrified persons, by the time that I had composed a suitable remark, the slender open-

ing had already closed, and my contribution was either not uttered at all, or hopelessly belated in its appearance. Or some deep generalization drawn from the dark back-ground of my vast experience would be produced, and either ruthlessly ignored or contemptuously corrected by some unsympathetic elder of unyielding voice and formed opinions. And then there was the crushing sense, at the conclusion of one of these interviews, of having been put down as a tiresome and heavy young man.

Here is an amusing incident. One can see his smile of enjoyment at the joke on himself:

Again on another occasion I had to pay a visit of business to a remote house in the country. A good-natured friend descanted upon the excitement it would be to the household to entertain a living author, and how eagerly my utterances would be listened to. I was received not only without respect, but with obvious boredom. In the course of the afternoon, I discovered that I was supposed to be a solicitor's clerk, and when a little later it transpired what my real occupations were, I was not displeased to find that no member of the party had ever heard of my existence, or was aware that I had ever published a book, and when I was questioned as to what I had written no one had ever come across anything that I had printed, until at last I soared into some transient distinction by the discovery that my rother was the author of *Dodo*.

There is another quality quite as essential to the word-artist as the quality of humour, and that is tenderness. It is indeed a happy offset to the element of humour. Austerity has sometimes been softened by an admixture of tenderness. *The Divine Comedy*, stripped of its interwoven fibre of tenderness, would be a fabric frightful and inhuman. Happily, Mr. Benson is in no danger of being ridiculous, nor is he in the least austere, nor is the frequent manifestation of tender feeling in his books either unbecoming or ineffective. His discernment of pathos and beauty in the life of an unregarded elderly lady, and his recognition of the worth and beauty of humble, loving service, revealed in his tribute to the old family nurse, would be sufficient evidence of a deeply tender heart, even were there no further proof of that rare fineness that springs from delicacy of sensibility.

Mr. Benson's style is conversational, as befits his form of composition, the familiar essay. It is ideal conversation, of

course, such talk as one seldom hears, but partaking nevertheless of the nature of man's talk to man, the pleasant, easy, graceful, intimate converse of the well-bred, cultivated, genial man of the world, a man of sympathetic temper and poetical feeling, and charmingly practiced in the art of perfectly frank and sincere expression. The following bit from the essay on *Growing Older* affords a good example of Mr. Benson's conversational manner. He is speaking of the gains that make up for the loss of youthful prowess:

Instead of desiring to make conquests, I am glad enough to be tolerated. I dare, too, to say what I think, not alert for any symptoms of contradiction, but fully aware that my own point of view is but one of many, and quite prepared to revise it. In the old days I demanded agreement; I am now amused by divergence. In the old days I desired to convince; I am now only too thankful to be convinced of error and ignorance. I no longer shrink from saying that I know nothing of a subject; in the old days I used to make pretence of omniscience, and had to submit irritably to being tamely unmasked. It seems to me that I must have been an unpleasant young man enough, but I humbly hope I was not so disagreeable as might appear.

A further illustration is needed to convey an adequate idea of the transfiguring effect of Mr. Benson's style. I have selected a passage from the *Upton Letters*. The writer is telling how one day, in a moment of anxiety and vexation, a message was flashed straight from the mind of God into his own unquiet heart. "It was one of those cool, fresh, dark, November days, not so much gloomy as half-lit and colourless." He bicycled off alone in the afternoon, "feeling very sore and miserable in spirit." Turning from the highway and following a road across the fields, he came upon an old house that had "failed of its purpose, lost its ancient lords, sunk into calm decay." He was shown about by the friendly occupant, a farmer:

Once more we went out on the little terrace and looked around; the night began to fall, and lights began to twinkle in the house, while the fire glowed and darted in the hall.

But what I cannot, I am afraid, impart to you is the strange tranquillity that came softly down into my mind; everything took its part in this atmosphere of peace. The overgrown terrace, the mellow brick-

work, the bare trees, the tall house, the gentle kindness of my host. And then I seemed so far away from the world; there was nothing in sight but the fallows and the woods, rounded with mist; it seemed at once the only place in the world, and yet out of it. The old house stood patiently waiting, serving its quiet ends, growing in beauty every year, seemingly so unconscious of its grace and charm, and yet, as it were, glad to be loved. It seemed to give me just the calm, the tenderness, I wanted; to assure me that, whatever pain and humiliation there were in the world, there was a strong and loving Heart behind. My host said good-bye to me very kindly, begging me to come again and bring any one to see the old place. "We are very lonely here, and it does us good to see a stranger."

I rode away, and stopped at a corner, where a last view of the house was possible; it stood regarding me, it seemed, mournfully, and yet with a solemn welcome from its dark windows. And here was another beautiful vignette; close to me, by a hedge, stood an old labourer, a fork in one hand, the other shading his eyes, watching with simple intentness a flight of wild-duck that was passing overhead, dipping to some sequestered pool.

I rode away with a quiet hopefulness in my heart. I seemed like a dusty and weary wayfarer, who has flung off his heated garments and plunged into the clear waters of comfort, to have drawn near to the heart of the world; to have had a sight, in the midst of things mutable and disquieting, of things august and everlasting.

I am well aware that I ought to contrive to say something more vividly and metaphorically descriptive, more rapturously eulogistic, of Mr. Benson's incomparable style, the charm of which I feel so poignantly, so deliciously, so gratefully. He has himself said that the perfection of lucid writing which one sees in books such as Newman's *Apologia*, or Ruskin's *Præterita*, resembles a crystal stream which flows limpidly over its pebbly bed. The figure is effective and illustrates well his own style; but I am reminded of a Bach composition, a gavotte or bourree. I find the same perfection of phrasing, the same compact neatness, the same smooth, natural sequence, the same freedom in restriction; I have the same sense, too, not only of fusion but of the significance and contributing force of the separate words or notes that make up the melody, just as when one sits under a grape-vine arbor, and a sudden shower comes up, one hears at once the patter of each separate rain-drop and the soft suffusive rush of sound.

A stylist who never fails in courtesy and delicacy of feel-

ing, who is never contemptuous and intolerant, whose work breathes an atmosphere of refinement and breeding, displaying, moreover, breadth of vision and sound judgment, keenness of insight and ready sympathy, is peculiarly fitted for the task of gathering up the secrets of existence, and speaking them frankly, ardently, and melodiously. If he has failed, as he believes, to impress his views upon the world, he has certainly cheered and refreshed many a weary heart, helped to reconcile to hard and hampering conditions many a fellow-mortal, made glad many a beauty-loving soul, guided perhaps more than one irresolute mind along the road to intellectual independence, and conferred upon countless beings the pleasure of seeing their own thoughts and feelings expressed in well-rounded periods and flowing phrases. It is possible that his words may act as a leaven upon the thought of the time and effect a change in the general attitude of mind, bringing about an increase of right-mindedness, a growing inclination to find happiness in the simpler joys of life, and the spread of a more universal tone of contentment. After all, the primary function of the essayist is to give pleasure, to stir the emotions, to quicken an interest in the things of the spirit, and here, I believe, Mr. Benson has not failed in his mission. There can be no question as to the permanence of work which displays so many fine qualities of mind and heart. Already our essayist has won a place among the "masters of melodious style."

The Louisiana Police Jury

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It is a matter of common knowledge that the term "parish" is used in Louisiana to denote the same unit of local government called "county" in the common-law states. Perhaps it is not so widely known that the body variously known in other states as "county court," "board of supervisors," "county commissioners," etc., is called the *police jury* in Louisiana.¹ The origin of the term is obscure, but apparently it first appeared under the French or the Spanish régime.

"For a brief period the political subdivisions were called counties. . . . The legislative council . . . in 1804 passed 'an act for dividing the territory of Orleans into counties.' . . . In 1807 the subdivisions of 1804 were abolished as units of local government, and the territory was re-divided into nineteen parishes, so called because their boundaries were based in many instances upon the earlier divisions for ecclesiastical administration. The county, however, still survived for a number of years, but not as an institution of local government. The twelve counties of 1804 are several times enumerated in the first state constitution, adopted in 1812. This instrument arranged the state senatorial districts by groups of counties [and] apportioned membership in the lower house of the general assembly by counties. . . . In subsequent legislation, parishes and counties were both referred to, but the latter indicated only electoral districts and not centers of local administration."²

The constitutions and the statutes of Louisiana both seem to assume that the police jury is an existing institution, whose nature and purpose are so well understood as not to require definition. The Act of Congress of 1804, organizing the lower portion of the Louisiana purchase as the "territory of Orleans," declared that all laws then in force and not contrary to the act should remain in force until altered or repealed by the

¹ Scroggs, "Parish Government in Louisiana," in *Annals*, XLVII, 39-47; Morris, *Studies in the Civil Government of Louisiana*, 15-16.

² Scroggs, *at supra*, 39-40. Cf. also Moreau-Lislet, *General Digest of the Acts of the Legislature of Louisiana, 1804-1827*, I, 630 for the statute of May, 1805.

territorial legislature.³ Likewise, the constitution of 1812 re-enacted this provision, but did not mention police juries. Nor is there any direct reference to be found in the constitutions of 1845, 1852, 1861, 1864, and 1868;⁴ though by implication, police jurors are included in the provisions concerning "parochial and municipal officers elected by the people." In passing, it may be noted that the constitution of 1845 refers only to *parishes*, omitting *counties* entirely; that of 1861 was adopted by the "Secession Convention" which merely revised that of 1852 by substituting "Confederate States" for "United States," etc.; that of 1868 was the first to contain a bill of rights.

Article 248 of the instrument of 1879 contains the first constitutional reference to a police jury, that I find, viz., "The police juries of the several parishes and the constituted authorities of all incorporated municipalities of the State shall alone have the power of regulating the slaughtering of cattle and other livestock within their respective limits, etc." From this time on the references are more frequent. Three are found in the constitution of 1898, one article of which re-enacts the provision just cited, another authorizes the governor to remove, on recommendation of the police jury, a parish officer charged with collecting or keeping public funds, if in arrears; the third authorizes the police jury to form road districts, levy the necessary taxes, supervise the construction and repair of roads, bridges, etc. The constitution of 1913 is simply a revision of that of 1898, incorporating the amendments adopted in the interim, together with provision for refunding the state debt, and a few minor changes. Nine references to the police jury are found, similar to those cited above. Next year, the legislature proposed seventeen amendments, of which fourteen were adopted. One of these amended Article 281, with reference to the power of the police jury to create drainage districts, levy the necessary taxes, and appoint the needful officials to perform the work.⁵

From the foregoing, it may be seen that though Louisiana

³ Thorpe, *Constitutions and Charters*, III, 1368.

⁴ All of the constitutions cited herein, from 1812 to 1898 inclusive, are to be found in Thorpe, *op. cit.*, III, 1380 *et seq.* The constitution of 1913 was published by the secretary of state in November, 1913.

⁵ *Baton Rouge State-Times*, Oct. 5, 1914.

has had more constitutions than any other state—nine with numerous amendments—in all of this mass of organic legislation, extending over more than a century, there are only about a dozen references to the police jury. When we turn to the field of statutory law, we have abundant allusions, though with the same implication of referring to a fact of common knowledge. An act of March 25, 1813, is the first that I find. This authorizes the parish judges and justices of the peace to divide the parishes into "wards" for the election of police jurors. The men elected, together with the justices of the peace are to constitute the police jury, over which the parish judge shall preside.⁶ Justices of the peace are deprived of their *ex officio* membership by a statute of 1824.⁷ The statutes defining, altering and increasing the powers and duties of the police jury, regulating the election, term and salary of jurors, are multitudinous and multifarious, from that time to this.⁸

The qualifications of a police juror are those of an elector, with the additional requirement that he or his wife must own property in the parish to the value of \$250. As at present constituted, the police jury consists of one juror from each ward (township) of the parish, with an additional juror for every additional 5,000 inhabitants. Thus the parish of East Baton Rouge has ten wards, of which Wards One and Two constitute the city of Baton Rouge. Ward One has three police jurors, Ward Two has two, and the eight rural wards have one each, making a total of thirteen. The police jury chooses one of its number president, and in his absence a president *pro tempore*. It also elects a secretary, who is not a member, and chooses the parish treasurer. The term of office of a juror is four years, the election being at the same time (April) as that for other state and local officials.

Among the most important powers and duties of the police jury may be mentioned the supervision, construction and repair of public buildings, bridges, drains, levees (dikes), roads, etc.; the regulation of cattle roaming at large; the pres-

⁶ Moreau-Lislet, *General Digest of the Acts of the Legislature of Louisiana, 1804-1827*, II, 239 *et seq.* This work will be cited below as "Lislet's Digest."

⁷ *Ibid.*, 249.

⁸ Wolff, *Constitution and Revised Laws of Louisiana, passim*, (cited below as "Wolff's Digest"), *Lislet's Digest*, II, *passim*.

ervation of game, fish, etc.;⁹ the establishment and control of toll bridges, ferries, etc.; the promotion of sheep culture; the licensing and regulation of saloons, taverns, and other places usually included under the police power; the protection of humans and animals against disease;¹⁰ the working or hiring out of prisoners in the parish jail; the prevention of vagrancy; the appointment of beneficiary cadets to the state university; the establishment of election precincts and polling places; the selling and granting of franchises on the public roads for the construction of railways, etc.; the appointment of road overseers, (called "syndics" in some places); the leasing of school lands on which a levee is needed; the enactment of ordinances not in conflict with the state and national constitutions and statutes. One rather peculiar power is that conferred by Act 37 of 1908, which authorizes the police jury to prohibit the killing of alligators.¹¹

Of course these powers necessitate the right to levy taxes, which the police jury may do, provided the total for state and local purposes does not exceed ten mills on the dollar. If more should be needed for local use, the police jury may order a referendum on the question, in the part or parts of the parish to be affected. Women owning taxable property may vote in such an election. The police jury must publish a budget at least thirty days before the meeting at which the tax rate and expenditures for the ensuing year are to be fixed. Appropriations may not be in excess of the estimated revenue of a given year, but the police jury may issue interest-bearing certificates to pay for public improvements, the cost of which is to be borne by the revenues of succeeding years. No debt may be contracted by the police jury, unless the same ordinance makes provision for the payment of the interest and principal thereof, and the said ordinance remains in force until the debt is satisfied.¹² The police jury must select a "parish printer" and an "official journal" in which the proceedings of the meetings of the jury are published. Usually a newspaper discharges both functions.

⁹ So far as not in conflict with the regulations of the State Conservation Commission.

¹⁰ In accordance with the provisions of the State Board of Health and the State Live Stock Sanitary Commission.

¹¹ *Wolff's Digest*, III, 612.

¹² *Ibid.*, II, 1117, 1123.

Police jurors are paid a per diem of \$3 for not more than twenty-five days a year, six of which may be spent in inspecting roads, levees, etc. Mileage is allowed, at the rate of ten cents per mile, but may be drawn only once each way for a given session of the jury, even if that session should extend over more than one day.¹³

As may be supposed, the duties and powers of the police jury have often been a matter of judicial inquiry. A few typical cases are given. An ordinance of the police jury of Natchitoches parish forbidding the holding of "collations," was pronounced invalid by the Supreme Court, since no such power had been conferred by statute. The court, as no evidence to the contrary was submitted, assumed that the word *collation* was used in the accepted sense.¹⁴ Though the police jury may regulate the sale of liquor and may order a referendum on the question of prohibition, the court decided in 1906 that it cannot establish prohibition by ordinance.¹⁵ The board of health of Jefferson parish, in October, 1904, forbade the use of sardines, shrimp-shell powder, etc., as fertilizers. A few weeks later, the police jury forbade their use between February 15 and November 1 of any year. The Supreme Court annulled this ordinance, on the ground that the police jury had no power to revoke or alter a regulation of the parish board of health, in whom the constitution and laws vest the power to define and abate nuisances dangerous to the public health.¹⁶ This decision is the more interesting in view of the fact that Act 192 of 1898, as amended by Act 150 of 1902, confers on the police jury the right to appoint the parish board of health, consisting of one practicing physician and two members of the police jury.¹⁷ It was determined, in 1905, by the police jury of Iberville parish to build a new courthouse at the parish seat, (Plaquemine), since the old one was situated too close to a caving river bank. Suit was brought to prevent this removal. The lower court dismissed the suit, and on appeal was upheld by the Supreme Court which ruled that "Whether a police jury

¹³ *Wolf's Digest*, III, 607.

¹⁴ *State vs. Denoist*, 115 Louisiana Reports, 940, (or 40 Southern Reporter, 365.)

¹⁵ *State ex rel. Lizzo vs. the Police Jury of Red River Parish*, 116 La. Reports, 717, (41 Sou. Rep., 85).

¹⁶ *Naccari vs. Rappelet*, 119 La. 272 (44 Sou. Rep., 13).

¹⁷ *Wolf's Digest*, II, 1443 *et seq.*

in undertaking to build a courthouse on a new site is acting wisely presents nothing on which the Supreme Court can act, as the discretion vested in the police jury is not a subject of judicial control."¹⁸ Yet four months later the court held that this same police jury had no authority to sell or exchange the old site and building to acquire a new site, unless permission had been explicitly granted by an act of the legislature or by a referendum.¹⁹

The latest phase of police jury history is Act 190 of 1914, which authorizes the holding of an election, on petition of fifteen per cent of the registered voters, to decide whether to substitute a commission for the police jury. The said commission is to consist of three members, a commissioner of finance, a commissioner of public affairs and a commissioner of public improvements. So far only one election has been held under this act, in the parish of East Baton Rouge, in December, 1915. The vote was in favor of continuing the police jury, though the city of Baton Rouge has the commission form of government.

¹⁸ *Depuy vs. the Police of the Parish of Iberville*, (November, 1905), 115 La., 579, (39 Sou. Rep., 627.)

¹⁹ *Same vs. Same*, (March, 1906), 116 La., 783, (41 Sou. Rep., 91).

The Distemper of Modern Art and its Remedy

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What is Art? A yawning question, I fear. And yet one which everybody who attempts any critical estimate is bound to ask himself and in a way to answer. For without some basic conception of the nature and function of art, criticism is but drifting on the wind. Sooner or later all arguments on literature, music, painting, and sculpture strip themselves of their independence and become merged in the general being of art. But to reduce one's scattered canons of appraisal to an all-embracing formula,—there's the rub. Would that we had framed for us the final definitions of things, definitions that stood in their own right, free from comparison, and knowable in themselves. Estheticians and philosophers from Plato down to Croce have thought they had discovered this universal solvent. But such hopes prove to be fallacies which, like perpetual motion and the philosopher's stone, must be consigned to the Limbo of expectations "defeated and o'erthrown." And where the learned have come to grief I shall not essay to spread my wings. At the same time, however, in bringing an indictment against individualism and anarchy rampant in modern art, I do so from the fulness of conviction that art bears a definite relationship to our lives, that it has something to do with giving meaning to our experience, that it serves as a release for the impulse toward spiritual freedom. I can go farther. I believe with Bacon that poetry "serveth and conferreth to magnanimity, morality, and to delectation." I believe with Wordsworth that poetry is "the finer breath and spirit of knowledge." I believe with Shelley that "a poet participates in the eternal, the infinite, and the one." And with Arnold that as life is in a preponderating degree moral, poetry, being a criticism of life, is inseparably linked with morality. Furthermore I hold such a creed to be valid because it has met with the acceptance of the many, the final arbiter of immortality, who have willed that only those works survive which "redeem from decay the visitations of divinity in man."

Swearing allegiance to such articles of faith how can I or any other believer in the classics look on without protest at the widespread rebellion of individualism against the social constraint? In all forms of art we see men denying their function as mediators between the waiting multitudes and the eternal verities. Everywhere are they determined to express themselves as individuals with all the variations, peculiarities, and accidents that mark them off from their fellow-men. Or puffed up with pride in their work as a pure expression of self they refuse to beseech the pity or laughter of the crowd. To combine the completest personality with the communal soul, to speak not only for the highly gifted but also for the whole mass of humanity,—as the immortals have done,—that to them would be as unintelligible as the writing on the wall.

The most striking utterances of this outbreak that I have met are found in such manifestoes as, "If I am satisfied with my work the public need not be concerned," or "It takes another me to understand me." Such farrago need not be taken seriously were it not really significant of an anarchism that is running wild in art, debauching talents to the service of the ephemeral and the artificial and perverting the values and wasting the spiritual energies of people who have no rule of their own. And bolstering up this modern revel in the ugly, the defective, the pathological, and the bizarre is an elaborate expenditure of rhetoric, termed "Dynamics of Futurism," or "Imagists' Creed," even more misleading to those feverish with desire to be up with the latest. But in both the art and the written word one looks in vain for sense; both are as futile as an infant's clutching at the moon.

Whence comes this passion to be original at any price? Of several sources that may be urged, the most influential I shall hold back for the present. In part it may be identified with a healthy, normal spirit of revolt against the submergence of individuality in the machine. And again it is at one with a needless fear of the accepted, the traditional, the conventional,—a word as hateful to the iconoclast ear as cuckoo was fabled to be to the married. Yet is there any attitude more conventional than that of trying to be unconventional? To all such, whether post-impressionist, futurist, cubist, realist, romanti-

cist, we may apply the words that Scherer used of Flaubert: "You fancy that you give a proof of strength in braving the conventions of life and the decencies of language, and you only prove your own impotence. You flatter yourself that in this way you are raised above the bourgeois, and you do not see that nothing is more bourgeois than this kind of cynicism." Horace long ago had a word too to say to this tribe. He pointed out that the daring license accorded generally to painters and poets did not justify their mating the savage with the tame, their coupling serpents with birds or lambs with tigers. And if a painter chose to set a human head on the neck and shoulders of a horse, to clothe the limbs of animals with features from all the birds, and to make a beautiful woman end in a black fish's tail, he pertinently asked: "When you were admitted to view the picture, my good friends, would you refrain from laughing?" Herein Horace was guided, not by a *a priori* rule, but by the common sense of humanity at large, which naturally insists that its experiences with life be allowed to count for something in its estimates and to appear free from distortion.

It seems then that individuality, intoxicated with its release from the control of tradition, has lost all sense of bounds. Like one long tied down it rises up and stretches its limbs in all directions, eager to test and realize its new-found liberty. Grown bolder it imagines that it can turn its back on man in the mass, and now speak in a mode intelligible only to itself. Hence the passion to find an idiom never before used and hereafter to be entirely its own, and growing out of this a belief in its ability to voice the unutterable and to fix in a precision of line and phrase the minutest shade of variation. As guilty here I would mention especially that exotic school of artists who flourished in the 'nineties just past, namely, Oscar Wilde and his like. I would not exempt the great Pater himself much of whose work is refined out of all virility. Needless to say, musicians have not come out unscathed. Grieg, for instance, refused to be anything but Norwegian. MacDowell perversely absented himself from concerts lest his own style become affected by what he heard. And Debussy, who expatiates in the great void where harmony and law have no dwelling, has

acknowledged that he has nothing more original to communicate. All have illustrated what is no new thing,—that natures which feed only on themselves instead of on the experiences of mankind are bound to starve, to cease growing, to become sterile.

Equally indicative of mental exhaustion and distemper is that indiscriminate sense of values which leads to proclaiming any whimsy, mutation of thought, or blush of feeling as soundings from the soul's immensity. True there are thoughts that wander darkling in the mind and feelings that grope about in the consciousness like "the long arms of waves in wild sea caves;" but to set these up as the measure of man's mind is to confuse vagueness with depth and to license the fatal habit of luxuriating in the uncharted sea of impressionism. Impressionism and suggestion—what words to conjure with! What sins they have to answer for in the shape of art that is spineless for want of ideas, formless for want of an ability to draw, slovenly for want of patience to undergo the long years of hard apprenticeship, and dilettante for want of an acquaintance with what is solid and fundamental.

What a far cry to the essential qualities of classic art,—clarity, definitiveness, beauty, strength, and balance. Rarely do we meet in modern works the needful combination to arrest more than a passing interest. Much of the poetry of the Celtic Revivalists, for instance, is exquisitely polished and refined. It bears evidence of a most painstaking search for the right word and the proper consonance. But it shows a manifest disproportion between the finish of execution and the theme on which it is expended. It forgets and perhaps despises the common ground of our intercourse, namely, those elementary passions and sympathies that make gregarious life tolerable. By opening the door to the spaces of the Other-world, which it peoples with sentient beings, it furnishes a means of escape to those weary of this world. But mysticism and beauty are feeble straws for drowning men to grasp. Men seeking for the comfort and strength that lie in love will turn to Wordsworth in preference to Yeats or A. E. Again we have schools of dramatists and novelists who are mainly concerned with dissecting a tiny portion of life, going

with infinitesimal detail into motives and dialogue, shredding them down to the last fibre, and trusting to their skill in subtle expression and mere compositions to offset the poverty of their offering to our culture. To them the tragedy of a soul despoiled of its beauty is but a thing to toy with. Where the best instincts of man demand sympathy and mercy, they reply with scorn and mockery. Where they think they are strong they are but brutal; where passionate, but animal. True there are realists and realists. Patrick MacGill and John Masefield, for instance, speak for those who have no voice of their own; they leave us with a feeling for the universality of human aspirations. But Atzibashev and D'Annunzio are like a breath from some foul, fetid house of lust. Or again the drama, in mistaking its function for that of science, presents the pathological symptoms of being morally irresponsible or sets itself to expose the ulcers of society, not realizing that man is more universally interested in the normal. Comedy has discovered that its mission is to be a social corrective. Whom shall we thank for this—Ibsen or Molière? At any rate such a discovery is costing it heavily, for the more completely it realizes such a function the less does its circle have in common with the circle of Art. The function of Art, let me repeat, is to subdue mental disturbance, to purge the emotional life of its worries, and to supply the deficiencies of life with lasting compensations of beauty.

The very words these days are hard pushed to do all that is required of them, to stand the shock and strain, the weird and violent combinations affected by modernists in their attempts to express the ultimate. Languor and sleep must distill from the very dots and crosses of the letters. "Steel, pride, fever, and speed" must clash and hurtle among the symbols like demons of red, galvanic energy. "Silky murmur of African seas," "ventriloquist soliloquies of the gurgling waters of the quays," "the sad towns crucified on the great crossed arms of the white road," "the drunken fulness of streaming stars in the great bed of heaven," "the dusky corpulence of mountains,"—here is but a meagre offering from the fruits of modern decadents. With what a cooling sense of ease from fever and fret one turns from the untrimmed, tropical luxuri-

ance of these phrases to the artistic restraint so sure of itself, that has carved out lines like

"silent icicles,
Quietly shining to the quiet moon;

or

"like a ship some gentle day
In sunshine sailing far away,
A glittering ship, that hath the plain
Of ocean for her own domain."

In the one we have individualism gone mad in its rage to outdo a rival in bombarding the stars; in the other a sense of social constraint which remembers that the way to men's hearts runs over the road of the familiar, the universal, and the beautiful.

It has been urged in defense of such men that self-expression is the aim of life. Hence any check upon the absolute freedom of the individual would be fatal to the integrity of this self-expression. This might hold good if anarchy and not a sympathetic sociality, if war among the species and not mutual aid, were the determining forces in our progress and the props of our social structure. As a matter of fact, we cannot dissociate our selfhood in its content and function from the social consciousness from which in its main aspects it is socially derived. For it is the social environment and not the biological individuality that is responsible for the particular ideas a man holds, for the particular people and things he knows, for his way of doing things and the kind of things he likes to do, and for the moral code governing his actions. All these things are his because he lives in society. Even his native endowments, his potential faculties, those gifts and capacities which he regards as particularly his own, come to him from converging lines of ancestors, and depend for proper fruition upon the interplay of circumstances generated by group life. He really owns nothing but his will; until this is born he as a moral being has no history. But this history is likewise one of a will adjusting itself to the social pressure, and not that of a will eating its heart out in solitude. All of this means that a man can not get away from his world, for he is his world. Accordingly all attempts at the expression of pure, unbridled individualism are doomed to failure.

Now I am ready to submit my final analysis of this diseased condition of modern art and to indicate the remedy to be applied to effect a restoration to health. It is in part due to causes already mentioned, in part to a misconception of the function of the arts, in part to insanity and warped imaginations; and above all to an ignorance of social psychology and of social evolution as forces in art and life. The best corrective therefore to a bias toward social and artistic aberrations is a study of the science of the social life. What both artists and public need is to drink of the wells that reach deep down into folk life,—folk tales, folk songs, ballads, and epics. Let a man first become thoroughly at home in folk literature. Next let him turn from a study of folk ways to a study of society as it passed from the gens to the larger units of the tribe, the nation, and the state. He will then become so imbued with the fact of social relationship as it constantly modifies modes of existence and expression that he can never think of, much less desire, being severed from his sense of social obligation. What I propose to do then is to renew for the moment our contact with the past and see how our days are bound up with those of other times, and to observe the nature of the communal elements underlying art and life as they appear in folk tale, ballad, and epic. The qualities generally acknowledged to be most constant in all great art are objectivity, form, beauty, range, and universality. If we perceive then that these qualities are likewise present, though with varying degrees, in all early expression, we may reasonably infer that the most abiding factor in art is the presence and the sympathy of man. And so long as man is a social animal this force is bound to outlast all others. As symbolizing the value of communal contact one may recall the myth of Antaeus, who in his struggle with Heracles renewed his strength whenever he touched Mother Earth, and succumbed to strangulation only when unable to regain his footing. So art, when too far removed from the things of earth earthy, from naked, simple humanity, gets strangled in the grip of artificiality, fad, and diseased imagination. To preserve its universal appeal art needs to know and represent humanity which has its roots in fundamental ex-

periences and passions. And it is the truly lived, the truly experienced that makes up the culture of the folk.

Who are the folk and what makes up their culture? Likewise Matthew Arnold asked:

Who can see the green earth any more
As she was by the sources of Time?
Who imagines her fields as they lay
In the sunshine unworn by the plow?
Who thinks as they thought,
The tribes who then roamed on her breast,
Her vigorous, primitive sons?

Wherever we begin in the evolution of folk culture, we must, in considering the folk in their relation to art and social living, take them posterior to the time when they were "apes with foreheads villainous low." Again in a general discussion of communal facts we need not be particular to this tribe or that, but may use terms widely and abstractly. We must understand, however, as Herder pointed out, that the folk do not consist of the rabble on the street "they never sing." We may define them as an aggregate of people bound together by a community of interest and kinship, fairly homogeneous in every way, marked by a fairly constant level of culture, and accustomed to think *en masse*.

As is well known, the individual in a savage tribe counts for little as far as his single acts and utterances go. His singing and dancing done socially, however, are rich in the potentiality of a "soul congregationalized." Whatever the occasion, whether enacting a hunt that is to take place or representing the expedition, it is the emotional intensity of the whole group that gives the performance its potency as sympathetic magic or dramatic relief. Furthermore a single tribesman may not eat with impunity the flesh of his totem; but no such tabu restricts the whole tribe or group when they go about it as a public sacrificial meal. For thus they signify that they are renewing their oneness with their god or totem, and are thereby re-establishing themselves in his good graces with the end of increasing their strength. This highly emotional tension it is, felt socially, and not a differentiating intellectuality, that is the source of art and religion. Even after

religion had worked itself loose from socialized feeling into a cult external to the group, it still, in primitive stages of society, based itself on the solidarity of the god with his tribe and addressed itself to kindred and friendly beings. Then too it was felt as a whole. Private practices of magical rites designed to benefit the individual alone were offenses against morals and the state. And when institutionalizing religions, city-states like Rome, for example, banished all such from the public sanction.

The predominance of social consent appears inevitable when it is realized how uniform were the conceptions which the folk held of the universe and of their relations to the out-lying world. At some stage or other men everywhere lived in the midst of ritual and ceremony having to do with magic. They regarded the realms of the dead and the living as accessible each to the other, and the visitations of the departed as matters of no unusual concern, for which no special setting and atmosphere were needful. They held that life animated all objects; that stones, trees, and running brooks were more than the inspirations of sermons,—they were gifted with tongues that could speak of themselves. St. Francis could preach to the birds and Coleridge greet an ass as his brother. But the mystical love of the one and the overflowing sentiment of the other are in no wise parallel to the primitive man's belief in his oneness with the cow, the sheep, the horse, the camel, and the wild things of the forest and field. Their loves and hates and fears were largely played on by sympathetic magic and the evil eye. A man wasting away under some mysterious disease knew that no remedies would avail against the fatal suggestion of a wax image of himself slowly melting down in an enemy's house. Daily life on the whole, was hedged in by tabus, which from their number and their rigidity made the existence of the savage anything but the care-free, happy, emancipated mode of living fondly imagined by romancing sentimentalists like Rousseau and Chateaubriand.

This same feeling of solidarity which determined the reaction of man upon man and upon his surroundings, his customs and beliefs, his laws of hospitality, blood-feud, and adoption, also determined the communal character of his art. Artistic

designs of today, because of the development of rationality, are notoriously complex, multifarious, and unstable. But the farther back toward savagery we go the more insistent we find the fundamental quality of rhythmic recurrence, whether in pattern, song, dance, or music, and the more binding the force of common emotion. The human activities springing to life out of such an emotionalized consciousness evolve into order only under the shaping hand of rhythm, the earliest, the most elemental, and the longest-lived of artistic impulses. To things at rest it gives symmetry; to things in motion it gives measure. In other words it calls out form,—Serene Form, as Schiller terms it, the tamer of the wildness of life. In harmony with it women full their cloth, sailors pull at the ropes, mowers cradle the grain, and workmen swing their sledges. By thus inducing men to labor in unison it reduces the waste of energy and secures effectiveness in effort. Through its play upon the emotions men also find common ground. Who has not felt the compelling power of stirring band music to make him fall into step, to shake the years off the shoulder, and to bend the reason beneath the sway of feeling? How much more the regular beat of the war drum dominates the emotional life of the Zulu or the Bushman, and sets him to dancing for hours with his fellows. As one comes to appreciate thoroughly the fact of rhythmic recurrence in the artistic life of early man, he finds that one question at least falls away from him, namely, whether expression in prose may be called poetry; for no one thing is brought to light more clearly, in the study of poetic origins, than the insistent domination of rhythm in all artistically controlled emotion.

So, as we see, the individual in primitive life weighed light in comparison with the social organization. The modern poet, however, assumes that his lyrical utterances are as subjective to us as they are to him. Consequently he feels licensed to voyage to the ends of the earth in his search for unique expression. But the folk consciousness could never conceive of a single poet's proving adequate to the depth and breadth of life, and interpreting in terms of a single will the impulses and reflections of the universe. No, primitive art never served as a vehicle for solitary and intellectual thought, nor knew such con-

ditions as public and entertainer. Rather it may be said that the public was also the entertainer. It could not well be otherwise with artistic expression held to be an integral part of public life and one of the most prominent features of social tradition. And making for the same end were the universal practice of improvising, the inevitable association of song with the dance, and the predominance of choral singing.

Such were the forces operating in the art and life of early man. How then did these mold the products themselves? How did they shape the folktale? It is evident that the outdoor life, with its frequent festal gatherings, its communal ways of thinking and of expressing emotion, left no room for what was freakish or bizarre, sickly or morbid. Together with an imperfectly developed rationality, it accounts for the total absence of introspection and subtle analysis of feeling. It accounts also for the habit of running fancy into fact, of basing the sensible world upon the analogy of the will. And created by this last factor is a marvellous assemblage of beings possessed of a personal, self-externalizing energy,—fairies of all descriptions, malignant witches, hags and giants with one pool-like eye, spectres that dissolve and reassemble themselves, needles that stitch of their own accord, eggs that dance, apples that colloque on human affairs, pebbles that outstrip the wind in flight,—in short a vast anthropomorphic world disconcerting and misleading to the modern reader, to whom it is all nonsense. Yet behind all this supernaturalism the careful reader will discern the human element of a people confronting an antagonizing world which it had to baffle or be crushed by. That is, we have in folktales primitive man's representation of the cosmos, in the form either of his struggle with Nature, his warfare with his imagination, or his attempt to bring out of the chaos lying between his self and his non-self an intelligible order. Such literature then, far from being merely food for infants and idle fancies of primitive dreamers, represents the best surviving rudimental thought of mankind, the earliest trials at thinking, and the first attempts to grasp truth apart from the troubled concrete of passing experience. Because they embody thus man's total reaction on his inner and outer worlds I would have them enter into the culture of

the modern artist. From them he will learn that the things which have counted for most in artistic representation have been the large and general aspects of human activities.

From them he will learn something also about form. Now it is true that the range of expression is limited by the all-compelling force of tradition. Action, which always submerges character, tends to run in channels that are hewn deep in convention. The hero of the folktale who sets out to accomplish a task is assured of success by the very fact that he makes the attempt; he may blunder hopelessly, he may lash about like a porpoise in a herring net, yet he cannot fail to win to his goal. Apparently he has no say-so in the matter. The narrative style falls into sets of formulas that can easily be classified. Given a certain group of incidents and characters and a certain end to be attained, the reader or listener can outline the story for himself. And doubtless part of the pleasure lies in finding one's expectations fulfilled. But of action there is a God's plenty. And it never fails to run without faltering to a predestined end. How objective and clear-cut are the schemes of such tales is attested by the success of Meredith in his "Shaving of Shagpat," whose brilliancy of invention and decoration would tax Scheherezade at her happiest to equal.

Just as indelibly stamped with the objectivity of communal life is the ballad, but less confined to pattern and more susceptible to conscious manipulation. By its use of reticence and allusion it is more provocative of the imagination than is the folktale, and by its metrical structure, which is wedded to singing, it is elected to the number of the immortals in art. The popular liking for action, still living among the unspoiled, dispenses with any needless introduction. Usually nothing more than a suggestion of the place and the actors suffices. In place of the familiar "Once upon a time," we may have

Young Johnstone and the young Colonel
Sat drinking at the wine;
O gin ye wad marry my sister,
It's I wad marry thine.'

And in contrast with the expected close, "They were married

and lived happily ever afterward," we may find ourselves in the ballad a spectator at a tragedy, whose consequences never call forth any comment, though suffused with moving suggestion:

He hadna weel been out o' the stable,
And on his saddle set,
Till four and twenty broad arrows
Were thrilling in his heart.

The greatness of Greek tragedy in part grows out of its habit of looking over the face of the earth to see who else has suffered or rejoiced, thus exalting and ennobling our capacity for suffering. The ballad, however, makes no such effort to incorporate all victims of misfortune in a guild of glorious dead.

The ballad holds its own by means of the elemental pathos with which it colors its story, and by means of its interest in men and their passions as revealed in action. It deals with life in terms of things that count,—the tragedies that spring from treachery, from misplaced affections, from love lawful or illicit, from valor and loyalty victorious or defeated. And this is represented directly. Of Nature as a symbol of human life there is never a hint; in comment, analysis, reflection, in a reduction of a world of experience to the nutshell of a phrase, communal utterance has no part. Incapable of abstraction it sticks to the concrete. But its concrete is not that so highly prized today for the opportunities afforded the realist and the phrase-hunter. Nor has it that effective quality, common in poetry now, of abstract thought, of general truth visualized by the powerful suggestion which makes a part stand for the whole. Such concreteness as this intimates that the present totality of things is but the shadow of some deeper reality beyond the compass of sense and the power of thought. Modern art could scarcely go further in its utilizing the concrete to express the universal than is done in a poem by Padraig Colum which tells of a world of unsatisfied longing wrapped up in a poor Irish woman's passion for the homely garniture of existence:

O, to have a little house,
To own the hearth and stool and all,
The heaped up sods upon the fire,
The pile of turf again' the wall.

To have a clock with weights and chains
And pendulum swinging up and down,
A dresser filled with shining delph,
Speckled and white and blue and brown.

I could be busy all the day
Clearing and sweeping hearth and floor,
And fixing on their shelf again
My white and blue and speckled store.

I could be quiet there 'at night
Beside the fire and by myself,
Sure of a bed and loath to leave
The ticking clock and shining delph.

Och! but I'm weary of mist and dark
And roads where there's never a house or bush,
And tired I am of bog and wood
And the crying wind and lonesome hush.

And I am praying to God on high,
And I am praying Him night and day
For a little house—a house of my own
Out of the wind's and rain's way.

The shining delph and clock with weights and chain is one kind of concreteness. The fatal penknife of the ballad, the talking parrot of May Colvin's, the kerchief binding Clerk Colvil's head is another kind. In fact, these two expressions are at poles' ends from each other. In the one the things are symbols, in the other only material objects, which function as they do in daily life.

The diction is likewise that which served the everyday needs of the people. Wholly objective and flooded with daylight, it is yet full of pathos,—the pathos of the long ago,—and has managed to evoke a charm that is well-nigh unattainable by modern imitators. Moderns may well envy the air of inevitability worn by its words, which seem as if fitted into place by the countless repetitions and the weight of years. They

may well envy the lilt and spring which have been kicked into its verse by the dancing feet of many generations. But the ballad makers, in their turn, knew nothing of the word artistry so highly valued today, and would have been unable, even if they had thought to try, to capture *la nuance*, to float in a delicate filigree of words a film of thought or feeling just trembling into outline, as so often seems to satisfy the artistic impulse of a Maeterlinck in poetry and a Ravel in music. Nor were they capable of such subtle music as steals out to meet one in such a poem, say, as Keat's "La Belle Dame Sans Merci." To see how the more conscious artist has been at work one needs but notice, in the latter instance, the use of metaphor—"lily on thy brow,"—the desolation of mind repeated in a sympathetic desolation of nature, the air of mistiness and obscurity enveloping the scene, and the suggestion of an eternal round of unsatisfied longing called up by bringing the situation in the last stanza back to that of the first:—

And this is why I sojourn here,
Alone and palely loitering,
Though the sedge is withered from the lake,
And no birds sing.

One will not go to the ballads then for finish of workmanship and luxury of emotion and suggestion, but rather for largeness of treatment, such as leans on social sympathy and clan feeling rather than on individual, rational appreciation. To perceive what they have done for Scott, the last of the genuine minstrels, read the last stanza of "The Bonnets of Bonny Dundee":

He waved his proud hand, and the trumpets were blown,
The kettle drums clashed, and the horsemen rode on,
Till on Ravelstone's cliffs and on Clermiston's lea
Died away the wild war-notes of Bonny Dundee,—

and feel how the swing and the choral spirit of the song press you to share in the emotion and action, to claim to be part-owner and creator. Feel too the breath of men united under a common stress, sharing in all of good and evil that life had to offer, and oblivious of distinctions between man and man.

The strength that lies in such poetry rests on the communal elements manifested in the inevitableness of utterance and in the insistence upon the scene as a whole, as well as in the way it sings or chants itself. Who knows but that the dim primitive consciousness of the mass is awakened in us and set running again, like channels long dry suddenly filled to flowing because rain has fallen at their fountains. This objectivity and impersonality in Scott's make-up will keep him alive in the hearts of men and women as long as they are blessed with the faculty of becoming as children again. Controlling and informing the whole of Scott's work is this largeness of view and sense of group; at the same time, I admit, there is lacking intensity,—intensity of emotion, of passion, and of imagination, such as vitalize eternally all works of the first order. Intensity of emotion and passion, on the other hand, Burns had, but not largeness and detachment. However much his genius was fired by old songs and choruses, one feels, far more than in the case of Scott, the presence of the individual at work apart from his fellows and the play of trained capacity upon the intellect and feeling. In such a poem as his "Killiecrankie," with its Thackerayan indifference to the glamor of war, does not the pleasure spring from its saucy satire, its unexpectedness, its conceits,—

I faught at land, I faught at sea,
At hame I faught my Auntie, O;
But I met the devil and Dundee,
On the braes of Killiecrankie, O,—

all indicative of an artistic brain resolving to depart from the conventional and to do what no other has done? Does not the poem speak of a mind revolving upon phrases in a search for the most telling? And does it not delight the intellect by flashing before it the new and unforeseen, by directing the perceptions to relationships hitherto unnoticed? Both poems here cited have rhythm and chorus, which go back to the social consent; while in Scott the hearty grip of general emotion leads back to the sense of group, in Burns the keen thinking and satirical view lead away from the crowd to the individual.

The noblest product of the communal genius is the epic.

While it depends fundamentally on the most characteristic and permanent elements of communal appeal,—objectivity and social sympathy,—it passes far beyond the mark set by the ballad into a fairly complete representation of life. With a new accentuation on character, the stress still falls on action, as if after all character, in its complex of will power, emotion, and thought, justified its existence only by precipitating itself into deed. In its largeness, comprehensiveness, and majesty, one perceives the gaze of an "eye that hath kept watch o'er man's mortality," and has found life eminently worth living. Its vast outlook does not permit of too close an introspection of the particular; its appeal is still of the mass. But it gains immensely by leaguering itself with reflection. What a magnificent summing up of men's activities the "Nibelungenlied" makes for us in its closing lines,—

The king's high feast had ended now in woe,
As joy doth ever end at the last,

and how superbly Beowulf's generalization complements his deeds.

Fate aids the doomed man, if his courage holds out. Likewise in the "Iliad" and the "Song of Roland" we find reflection; but we look in vain for any assertion of the individual's freedom from traditional modes of expression. Even his commentaries on passion, deed, and people come to us only by way of his characters, and his outlook upon life we must gather from his general disposition of the story. What he was himself we know least of all, for he left neither name nor record behind him. Nor are we much better off with respect to other manuscripts of the Middle Ages, the majority of which are unsigned. It is evident that the public of those days were never favored with the gracious confidence of how an author came to write his first book; for one thing they were not curious over such minutiae, and for another the book itself counted for more than the confession and the analysis, since by it rather than by the author the measure of the poetic guild was taken.

Thus I have tried to show that art in its early expression, and this includes some of its greatest utterances, has never

swerved from the direction given it by its initial impulses,—man's creative faculty and the constraining social environment. I have tried to show that this art was most satisfying to human needs because it dealt largely and generously with the whole of human activities. And I see no reason for doubting the continuity and indestructibility of the originating impulses and their attendant effects. The musicians, poets, painters, and sculptors that have stood the judgment of time have never failed to demonstrate that art exists for the sake of life. They have never failed to realize that, if our experiences are not to leave us unmoved, the sum of the things that find a place in the mind of man, our feelings and aspirations, our good deeds and our crimes, must all be brought into contact with our senses. This contact furthermore has ever been accompanied with pleasure, as if conditioned by the belief that the more profound the inner truth of their content the more imperative that works of art excel in beauty of expression. Such art is a lineal descendent of the art of the folk. And this art can be created anew only when rooted in universal human sympathy, such as arising in the communal soul, has, while it allowed personality to emerge, still maintained the fact of the social integrity. There need be no fear that the well of primal sympathies will run dry, for in the words of Chaucer,

Infinite be the sorwes and the teeres
Of olde folk and folk of younge yeeres.

And to this well I would bring all Post Impressionists, Futurists, Cubists, Orphists, and Imagists, all Matisses, Picabios, Marinettas, Schnitzlers, and Schönbergs, that they might at its stirrings be healed as were the diseased at the Pool of Siloam.

Francis Grierson—Mystic

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To believe that inspiration transcends logic, that faith is greater than fact, that intuition is often more trustworthy than reason—this is an unusual attitude of mind in this boastfully scientific era. For some months there has been in the United States an English-American or American-English who holds, in spite of a boyhood spent in the so-called "practical" middle west, just such views. Francis Grierson, whom Maeterlinck has called my "fraternal spirit"—do you know of him? He roamed the prairies of Illinois when the great gray city by the inland sea was but a scrawny village in the wilderness, and today his genius is recognized throughout Europe and scarcely known in the land of his boyhood. In France, where they make rather sharp distinctions between genius and talent, the cultured have been enthusiastic about him since the days of the last Empire, and well they may; for hear his story:

Born in Cheshire, England, in 1848 he came with his parents to Illinois when he was one year old, and spent his boyhood in a log house on the unbroken plains. At twenty-one he was playing before the nobility of Europe—and had never taken a piano lesson in his life! A few years later he was writing books in English and French that have won the praise of the Academicians and disturbed the equilibrium of cock-sure philosophers.

Grierson is a "mystic"—an awful thing to call a man in this land of slaves to the great God Commonsense. He believed in and preached the power of intuition or inspiration before Bergson was heard of as its eloquent advocate. By inspiration or intuition or what you will, this man from the Illinois wilderness became so marvelous a musician that in 1869 the most famous salons of Europe opened their doors to him, and nobility sat entranced by his wonderful improvisations. Who was his teacher? He had none. He played because his "inner promptings" told him he could. When he arrived in America last fall, the matter-of-fact may have come

to doubt, but certainly remained to praise. Samuel Orth has declared it "just as mysterious now as it was in the beginning of Grierson's career when he held all intellectual Paris under the charm." America, which prides itself upon its huge "facts" laughed at Bernard Shaw for replying to a question about his methods and principles of composition: "I am not governed by principles; I am inspired." But one of the "facts" of literary history of today is that Bernard Shaw is affecting the readers of the world far and beyond any possibility of the "fact"-ious writers of America. Just so with Grierson. Europe has admitted that in his case inspiration is a reality.

America has a blind faith in methods. The public schools are method-ridden; the people put up with more display of musical technique and artistic method—and put up more for it—than any other nation on earth. From birth to death we are taught that intuition or "inner light" is a plain fake, and that perspiration is far more important than inspiration. Every once in a while some seer must come along to keep men from petrifying in their materialism and faith in the earthy. Rousseau did it when France was spiritually almost a corpse; the Wesleys did it when England's soul had dried up with ecclesiastical system; Emerson did it when America in its zeal to conquer a continent was forgetting "sweetness and light." Today Maeterlinck, Bergson, and Grierson, and a few other souls are waging the same battle against slavish trust in man-made theories and rules. Of them all perhaps Grierson is the most outspoken. "We must forget the thing called technique and the limitations of science." A rather startling statement to throw into our land of method-teaching pedagogues and limit-placing scientists. Somehow, though, when we come to consider it, most of the geniuses have been men who did things the learned said couldn't be done, or have done things in a way that the savants had declared the wrong way. Blessed are the unconventional; for they are either geniuses or fools,—both very necessary to the progress of man. Well may disgusted genius say with old Omar:

"Myself when young did eagerly frequent
Doctor and Saint, and heard great argument
About it and about, but evermore
Came out by the same door where in I went."

As mentioned above, after Francis Grierson had gained the admiration of Europe as a musician he next astonished England and France by writing books in both languages in a style frequently declared as limpid as that of Walter Pater. He had not studied rhetoric in a university, for the simple reason that there was no university in Illinois when he lived in the prairie log-house. Neither was there a French grammar in the cabin; indeed such a volume would have been considered a "suspicious character" in that section. When he entered Paris in those brilliant days when Dumas, the elder, Paul Verlaine, Flaubert, Auber, and a score of other immortals were gaining fame by following the promptings of their soul, he calmly followed his own "promptings"—a ridiculous thing to do, according to our practical American commonsense—and while playing these geniuses into raptures, mastered the French language to such a degree that his books, "*La Revolte Idealiste*," and "*La Vie et les Hommes*," with their delicate, incisive composition, astounded French litterateurs.

In 1889 came his first book in English, "*Modern Mysticism*," a direct blow at materialistic philosophy. It stood unflinchingly for a lot of things that worshippers of the concrete giggle over—intuition, inspiration, imagination, genius, faith, the power of the spiritual. Grierson had done the seemingly impossible in music by what was admitted to be inspiration, and he therefore spoke boldly as one with authority. Then followed "*The Celtic Temperament*," "*The Valley of Shadows*," "*Parisian Portraits*," "*The Humor of the Underman*," and more recently "*The Invincible Alliance*." Of these the volume that will prove most interesting to thinkers in philosophy is, of course, "*Modern Mysticism*"; to the American in general "*The Invincible Alliance*," and to the citizen of the middle west in particular, "*The Valley of Shadows*." "*The Invincible Alliance*" is a remarkable and practically unanswerable argument for an alliance of all the Anglo-Saxon nations of the world—Great Britain, the United States, Canada, Australia, South Africa, New Zealand, and India. With a startling sweep of vision the book shows the land hunger of Germany, Russia's longing gaze eastward, the constant menace of famine in England, the sudden awakening of the Yellow Race. Note this picturesque and significant description from the book:

"The steamer was the largest plying between the ports of San Francisco and Sydney, carrying hundreds of Chinese enroute for Honolulu. A huge hole in the middle of the steamer permitted one to contemplate the wonderful scene. The weather was very warm, and down below, so far that it looked like another world, hundreds of limp and listless Chinese fanned their feverish faces with great colored fans, and from the bunks, which rose tier upon tier, hung the legs and arms of the half-stifled horde, as in a picture out of Dante's *Inferno*. Most of them were reclining, while some sat cross-legged on the floor.

"As I stood there faint waves of wierd Chinese music were wafted up with whiffs of sandalwood, odors that became lost in the stronger scent of tobacco smoke on deck. Then with the setting sun came a scene of transcendent magic. A voice rose from somewhere below; it may have been a chant of jubilant prophecy, or it may have been a song of encouragement and hope, accompanied by Chinese fiddles, the rasping tones subdued and modified to a sort of uncanny wail by the partitions separating the invisible musicians from the deck; and as the song continued the colors in the sky slowly spread out into thousands of small cloudlets, filling the western heavens with a blaze of molten gold; the sun sank below the waters, the moon rose in the east, the ship glided on, the voice came and went, as if in keeping with the long monotonous roll of the ocean, and it seemed as if I were sailing the Pacific with a band of Argonauts from the Celestial Empire in search of a new Golden Fleece in the vast untrammelled spaces of worlds yet to be conquered. I had caught a glimpse of the Chinese avant-guards. I had seen the first off-shoots of a people endowed with a patience, an endurance, and a sobriety unknown to any of the nations of the West."

The book is a prophecy of an internationalism destined to come—a confederation far greater than that dreamed of in the Holy Roman Empire. It is a volume that every thinking American should ponder over.

"The Valley of Shadows" is a vivid portrayal of Illinois in the Lincoln-Douglas days, so vivid indeed that, as Owen Seaman has declared, "there are chapters which haunt one after-

wards like remembered music." The first and second chapters, "The Meeting House" and "The Load-Bearer," are perfect cameos of description, while the insight at all times into the psychic conditions that brought forth from the wilderness such a master-leader as Lincoln makes the book a genuine contribution to American social and intellectual history. Of the pioneers who founded Illinois he says: "In the tribulations that followed [the landing at Plymouth Rock], the successive generations were stripped of the superfluities of life. One by one vanities and illusions fell from the fighters like shattered muskets and tattered garments. Each generation, stripped of the tinsel, became acquainted with the folly of complaints and the futility of protests. Little by little the pioneers began to understand, and in the last generation of all there resulted a knowledge too deep for discussion and a wisdom too great for idle misgivings." As we read, we suddenly understand why out of the illimitable solitude of these prairies, and from no other section should come a man to bear the sorrow of the nation, and to crush slavery forever. It is a book imbued with a sort of philosophy of history. Strange that the readers of the middle west know so little of it and its author. Is that vast section in need of another spiritual awakening?

Twenty-two years have passed since Grierson was last in America. Before me lie letters from him showing how he marvels at the rush and push and materialistic progress of this nation. Sometimes there is a wee hint between the lines that perhaps this dreadful hurry is not absolutely necessary—that possibly we might survive without it. He has lived life deeply and fully—and calmly, which is more than most Americans are doing, and now at the age of sixty-seven he seems to find no reason for regretting the mental and spiritual attitude which has kept him young. Mayhap, as he goes from city to city and is heard as both musician and philosopher, and proves that the "inner light" may guide and strengthen the soul without turmoil and strife, we too may gain something of his calm and confidence, and learn how

"with an eye made quiet by the power
Of harmony and the deep power of joy,
We see into the life of things."

BOOK REVIEWS

ELIZABETHAN TRANSLATIONS FROM THE ITALIAN. By Mary Augusta Scott. Boston and New York: Houghton Mifflin Company, 1916,—lxxxi+558 pp. \$1.75 net.

This large volume by one who has long been recognized as an authority on the Italian Renaissance in England will be welcomed by students of Elizabethan literature. The book is one of a collection of studies published by alumnae of Vassar College in honor of the fiftieth anniversary of the institution, but it is in no sense a production got up rapidly for the occasion. Instead, it represents a vast amount of labor that has extended over a considerable number of years, for, as a matter of fact, the bulk of the subject matter appeared in four studies published in *Publications of the Modern Language Association* between 1895 and 1899. This material, says the author in her entertaining preface, has been undergoing revision from the time of its first appearance and now appears "revised up to date."

Generally speaking, Professor Scott's volume is an elaborate bibliography preceded by a brief but interesting account of the Italian Renaissance in England, and followed by a full index of forty pages. In the body of the book 466 titles—"394 Elizabethan Translations from the Italian, together with 72 Italian and Latin Publications"—are numbered consecutively and classified, according to subject, into twelve groups. This formidable list includes translations of works by "practically every notable Italian author of the Renaissance, on all sorts of subjects"; and one who examines the vast amount of material brought together by Professor Scott realizes, as never before, the truth of her remark that of the foreign influences which contributed to Elizabethan thought "unquestionably the Italian was the strongest, the keenest, and the most far-reaching."

Perhaps it should be pointed out here, however, that the expression "Elizabethan Translations from the Italian," as used in the quotation above, by no means indicates that all the productions discussed are based directly upon Italian originals, for in reality a considerable number of the English translations

can be traced to French or Spanish intermediaries. Nor must the expression be taken to mean that all the translations listed came entirely from Italian sources, since various works are included which contain only a comparatively small amount of material traceable to Italy.

In her bibliographical notes Professor Scott has accumulated a vast deal of valuable and out-of-the-way information. In addition to giving, wherever possible, the full titles of the first editions of translations and their originals, together with the titles of all subsequent editions known to her, she has in many cases discussed the exact relationship that exists between the English and Italian works. Frequently incorporated in the notes are summaries of rare productions, pertinent quotations from obscure volumes, biographical and historical information of one sort or another, and discussions of more or less recent indebtedness to Elizabethan translations and their sources.

Naturally in a work of the size and nature of *Elizabethan Translations from the Italian*, errors of detail can be found by one who assigns himself the task of detecting them, but the volume as a whole is obviously well done. In view of the tremendous knowledge of Elizabethan indebtedness to Italy revealed by Professor Scott in her book, students will await eagerly the promised publication of her researches on the Italianate English plays, a study which has long engaged her attention.

T. S. GRAVES.

AMERICAN GOVERNMENT AND MAJORITY RULE—A STUDY IN AMERICAN POLITICAL DEVELOPMENT. By Edward Elliott. Princeton University Press, 1916,—vii, 175 pp. \$1.25.

This little book is in the form of seven lectures on the development of American political institutions, or, to quote from its preface: "The purpose of this volume is to point out the fact that the people of the United States have been hindered in the attainment of democracy, or the rule of the majority, by the form of government through which they have been compelled to act." In the first chapter there is traced the development of our colonial system of government in the period of

the settlement of the North American continent similar in form to the English government. Some account is given of the political philosophy of the colonists. Then follows a study of conditions leading up to the adoption of the constitution and the subsequent fortunes of the parties. The author finds in the checks and balances of the constitution and the Jeffersonian régime a conscious effort of the democratic majority to make itself heard. He finds the cause of the decline of the Federal party in the fact that the Republican party absorbed all the tendencies of the former that were of a popular nature, discarding those that were not. Jackson as a popular idol found his most difficult task in combating Calhoun's new political philosophy which undertook to distinguish between a numerical majority and the interests of a smaller political unit, a theory whose settlement occurred a generation later with civil war. The efforts of the majority to secure control of the government during Southern Reconstruction took the form of universal citizenship and suffrage. But this failing, the majority in their efforts to rule have resorted to initiative, referendum, recall, commission government and the popular election of senators. There are included three other links in the chain of majority rule: the caucus, the nominating convention, the primary and the later importance of the political boss.

From his historical survey, the author makes two observations, to quote them in transposed order (p. 114): "The most discouraging fact revealed by that same study is the successive failure of each institution or arrangement to accomplish the result. The most encouraging fact . . . is the presence of a spirit which in spite of repeated defeats renews the battle for majority rule, for the practical control of the government by the people." The author is not dogmatic regarding remedies, but among possible improvements he mentions more responsible centralization of the state executive, unicameral legislatures, and representation without reference to residence of the representative.

The style is clear, the order of the materials is logical, the conclusions are sound, and the whole makes a pleasant evening's reading. A well selected bibliography of collateral reading, without critical comment, appears at the close, and a good

index makes easy the task of checking up the author's points. Just a few slips occur: "though" on p. 19 must have been intended to be "through"; and on p. 164 the author evidently meant to write "appointment" instead of "appoint."

H. M. HENRY.

Emory and Henry College, Virginia.

GERMANY MISJUDGED. AN APPEAL TO INTERNATIONAL GOOD WILL IN THE INTEREST OF A LASTING PEACE. By Roland Hugins. Chicago and London: The Open Court Publishing Company, 1916,—111 pp. \$1.00 net.

Mr. Roland Hugins in his "Germany Misjudged" has attempted to analyze the international situation from the facts as he sees them, with the purpose of bringing about more sobriety of judgment among Americans. He believes there is great need of such a work, for he is convinced that at present the vision of America is clouded. In other words, he believes that Americans are misinformed and need a statement and an interpretation of the facts leading up to the war.

Now, every reader of this book must admit that the author has made out a strong case for the "other side,"—for "America is anti-German." In his chapters the Allies are hit hard and often, and Germany is, for the most part, whitewashed. Though Mr. Hugins claims not to be pro-German, the reader is soon forced to conclude that he is badly biased through sympathy. The book throughout lacks calm perspective and for that reason fails to make as strong an appeal as it might well make with the same amount of truth stated less passionately. Nevertheless, in view of the many books on the other side that claim all and allow nothing and that are widely accepted as trustworthy, even the fairminded neutral reader may well pardon Mr. Hugins for his fearless defense of Germany, though he cannot accept as true all his conclusions. Were the book written in a less polemic style, it would come nearer to accomplishing what its author hoped to accomplish through it. The reviewer very much hopes that the author will later make another statement of his views on these questions after the heat of discussion has given way to calm judgment; for the

book shows him to be a thinking man well informed regarding modern European conditions and events. Certainly there is sore need of an unbiased presentation of facts and a profounder interpretation of them than we yet possess.

W. H. WANNAMAKER.

THE TRUTH ABOUT THE THEATRE. By one of the best known theatrical men in New York. Cincinnati: Stewart and Kidd Company, 1916, —111 pp. \$1.00 net.

Whether the author of "The Truth About the Theatre" is "one of the best known theatrical men in New York" or not, he certainly writes about his subject as if he knew it, and therefore convinces his reader that he actually does give the truth. Theatrical conditions, especially on Broadway, must indeed be deplorable if they are actually as he represents them. Stage life is stripped of its glamor, and the pitiful fate of the hundreds of failures far overshadows the glory of the few great successes. The book is, however, more than a warning to deluded young folk thirsting for fame and fortune and overestimating a talent that may have made them conspicuous in local competition; it shows clearly many of the defects both in play construction and play production, and offers sensible suggestions for improvement. It also discusses from the inside some of the present day producers of plays and gives interesting information on the whole subject of the American stage of today. Altogether the book is both interesting and well worth reading.

W. H. WANNAMAKER.

WOODROW WILSON AS PRESIDENT. By Eugene Clyde Brooks. Chicago and New York: Row, Peterson and Company, 1916,—572 pp. \$1.60.

From any point of view, the administration of President Wilson merits especial note in the annals of the United States. Entering the White House after an opposing party with a singularly consistent attitude toward public questions had dominated the government for sixteen years, it was inevitable that he should lead his party in undertaking to effect changes in policy which it had long advocated. In carrying forward

this undertaking Mr. Wilson developed exceptional qualities of leadership, and his administration succeeded in formulating into statutes a much larger proportion of the proposals of his party than is ordinarily expected of an administration immediately after its accession to power. Coupled with these changes in domestic policy was the critical state of our relations with Mexico, which soon involved our relations with all of the Spanish-American countries and our attitude toward our time-honored policy, the Monroe Doctrine. With the Mexican question still in a serious stage and before the completion of the domestic program of the administration, the outbreak of the war obliged us to reconsider our former policy of aloofness from European diplomacy and to increase our preparations for defense both on land and sea beyond what was formerly thought sufficient. All of these happenings place the past three years among the most interesting to students of history in the period of our existence as a nation. Moreover, these events have followed each other in such rapid succession, and the settings of the stage have at times changed so suddenly that we are liable, while occupied with the matter which is uppermost in our attention at the moment, to lose the perspective and to forget the larger meaning of the accomplishments of the administration.

The manifest purpose of Professor Brooks in compiling this book, aside from the interest in the subject occasioned by the presidential campaign, was to recall to our attention the principal accomplishments of the President and to give us a better perspective than is obtained by merely reading the current newspaper and periodical press. He has culled from the speeches of Mr. Wilson the passages which are most pregnant with expressions of his views concerning the more important questions with which he has had to deal. These passages are made into a connected story by the lucid, explanatory narrative of Professor Brooks, with the result that the book has much of the literary charm and felicity of expression characteristic of the utterances of the President and yet has unity as an account of the events in which he has played a notable part.

The book is divided into two parts: the first deals with the policies of the administration relating to domestic questions.

and to Mexico; the second relates to the European war and to questions which have grown out of it. At the end of the book is a short chapter on Wilson as a "man in action" and an appendix containing some miscellaneous selections from his speeches. The volume is in many ways much more useful than the usual campaign biography of a presidential candidate.

WILLIAM THOMAS LAPRADE.

FIFTY YEARS OF AMERICAN IDEALISM. THE NEW YORK NATION, 1865-1915. Selections and Comments by Gustav Pollak. Boston and New York: Houghton Mifflin Company, 1915,—ix, 468 pp. \$2.50 net.

This volume commemorates the fiftieth anniversary of the founding of the *New York Nation*, a journal that has always been marked by scholarship, literary distinction, and the championship of high ideals in public affairs. No publication has made a stronger appeal to the educated men of America. Its influence has been out of proportion to its circulation, for it has been widely read by teachers of youth and leaders of thought. Upon matters of scholarship and literary criticism, no verdict has been more eagerly awaited; in political affairs, no judgment has been more independent or leadership more trenchant. The fiftieth anniversary of such a paper is well worth celebrating. Long may it live and prosper!

Part I of the commemorative volume is in substance Mr. Pollak's article on "The *Nation* and its Contributors" which appeared in the semi-centennial number of the *Nation*, July 8, 1915. The essay is full of good things by and about the host of brilliant men who made the *Nation*. There are included some intimate glimpses of the *Nation* editorial office and much information about the conduct of the journal under the early editors, Mr. Godkin and Mr. Garrison.

In Part II are excerpts, covering the period from 1865 to 1915, from the *Nation's* weekly comments upon public affairs. Part III contains twenty-four representative essays from the *Nation* by such writers as Francis Parkman, T. R. Lounsbury, Simon Newcomb, A. V. Dicey, B. L. Gildersleeve, Carl Schurz, E. L. Godkin, James Bryce, William James, Paul Shorey, A. B. Noyes and Paul Elmer More. Many of the

essays are biographical sketches. Others are in the fields of literature, government, the drama and general scholarship. Papers that have an especially timely interest are Mr. Godkin's discussion of "Neutrals and Contraband" from the *Nation* of September 15, 1870, and an unsigned essay on "The Morality of Arms-Dealing," published January 26, 1871. The latter paper was a vigorous argument in favor of the right of American citizens to sell arms to France during the Franco-Prussian War. Altogether the volume is full of matter of permanent literary and historical interest. W. H. G.

FILIBUSTERS AND FINANCIERS: THE STORY OF WILLIAM WALKER AND HIS ASSOCIATES. By William O. Scroggs New York: The Macmillan Company, 1916,—ix, 408 pp. Price, \$2.50.

There is no phase of American history concerning which exist more popular misconceptions and less technical knowledge than the interests of the United States in Central America in the decade just preceding the Civil War. Professor Scroggs has made a distinct contribution both in respect to details and interpretation of Central American affairs during that period. His book is more than a biography, for William Walker as a personality was eclipsed by the episodes and forces among which he moved. He was a type of a "state of mind" that possessed thousands of his countrymen. An exaggerated individualism, a belief in manifest destiny, an unsocialized point of view toward international questions—such were the characteristics of Walker and the filibusters. "If such men chanced to direct their energies toward the American wilderness, they were called pioneers. If, on the other hand, they happened to direct their attention toward another nation, whose sovereignty was formally recognized by their own, they were called filibusters."

Perhaps the chief value of the book is that it refutes some prevalent conceptions of Walker's adventures. Among these is that of his relation to the pro-slavery interests in the United States. Professor Scroggs shows that, when Walker undertook his expedition to Lower California in 1854, he was not in sympathy with the Kansas-Nebraska Bill or the pro-slavery movement in the South, and that always among his associates were a number of men from the free states. Also, when he

undertook the reorganization of Nicaragua, his purpose was to establish a Central American empire and ultimately to free Cuba, not for the sake of annexation to the United States or to aid the cause of slavery. However, he believed the revival of slavery in Central America to be an economic necessity for the realization of his dream of a Central American empire. Later, when Walker wrote his "War in Nicaragua," his only hope of aid was from the South, and he consequently made a direct appeal to the southern pro-slavery interests.

Equally interesting is the author's conclusion that the Buchanan administration used stronger measures against filibustering than that of Pierce. Secretary Toucey held that American naval officers could hold up and prevent from landing illegal expeditions in Central American ports, a view which Marcy previously would not endorse. Moreover, President Buchanan assured the British Ambassador that, if the United States took foreign territory, it would be "vacant territory."

The downfall of Walker, however, began not with the policy of the government, but with the enmity of Cornelius Vanderbilt, who, duped by Walker, cut off his supplies. One wonders if the stricter policy of the government thereafter was merely accidental. Undoubtedly this is only one of the many revelations yet to be made of the influence of fortune possessors on the career of fortune hunters in the countries to the south of us.

Personally Walker was an impractical enthusiast, a kind of militant Don Quixote. When most violent, he provokes mirth as much as condemnation. He was therefore unfitted by nature to realize his dream of a Central American empire. "With some fewer gifts of intellect," says Professor Scroggs, "but with a broader knowledge of human nature, and a more liberal endowment of common sense, he might have succeeded in putting an end to anarchy and founding a tropical empire on the ruins of unhappy experiments in democracy."

The author has used a large variety of sources, among them manuscripts in the archives of the Department of State. There is a sense of proportion in presentation of material, an insight for influences that lie below the surface of things, and a sense of humor that often gives spice to details in themselves rather revolting.

WILLIAM K. BOYD.

WITH THE TURKS IN PALESTINE. By Alexander Aaronsohn. Boston and New York: Houghton Mifflin Company, 1916,—xiv, 85 pp. \$1.25 net.

Mr. Aaronsohn, the author of this interesting narrative, was born in a Jewish village in Palestine where his parents were among the pioneers of the Zionist Movement. After spending his youth in Palestine, he came to America in 1910 to enter the service of the United States Department of Agriculture. Soon after reaching this country, he took out his first naturalization papers. In June, 1913, Mr. Aaronsohn returned to Palestine with the object of taking motion pictures and stereopticon views for use in a lecture tour for spreading the Zionist propaganda in the United States. While he was in Palestine the European War broke out, and he was impressed into service in the Turkish army. The author gives an account of unpleasant military experiences in which Jewish and Christian soldiers found themselves discriminated against by the Mohammedans. Purchasing discharge from the army, he returned to his native village. There he, with others, underwent tortures by the Turkish authorities who were determined to seize arms hidden for the defense of the village. Later he went to Jerusalem where he saw the preparations for the Suez campaign. Mr. Aaronsohn gives an account of the dissensions between Turkish and German officers after the failure of the campaign.

The author also deals with such interesting matters as a fight against the plague of locusts, the bombarding of a German consulate by the French fleet, the services of American cruisers in Mediterranean waters, the loss of American prestige through the employment of Germans as consuls, and the oppression of the people of Palestine by the Turks. Finally, as conditions became very dangerous, Mr. Aaronsohn and his sister purchased passports of a young couple belonging to a neutral nation, disguised themselves, and succeeded in escaping from Beirut on the United States cruiser *Des Moines*. This striking personal narrative furnishes a most valuable source of information regarding wartime conditions in the Turkish dominions. The volume contains many appropriate illustrations.

NOTES AND NEWS

With deep regret the *QUARTERLY* informs its readers of the death at Richmond, Virginia, on June 28, of Miss Kate Mason Rowland. The July *QUARTERLY* contained the last installment of the remarkable series of "Letters of a Virginia Cadet at West Point, 1859-1861," by Major Thomas Rowland, Confederate States Army. Miss Rowland edited these letters of her brother for the *QUARTERLY* and took a keen interest in their appearance and success. Shortly before she died, she wrote that she was eagerly awaiting the appearance of the July number. Unfortunately it was not sent out until after her death. Miss Rowland was a woman of unusual scholarship and literary ability and was the author and editor of many historical and biographical works, including especially the "Life and Writings of George Mason." During her long life she received many marks of honor and distinction, and she is mourned by a host of friends and readers in Virginia and other southern states.

A great deal of valuable information about the Negro in America is contained in "The Negro Year Book for 1916-1917." This annual encyclopaedia of the Negro is compiled by Monroe N. Work, who is in charge of the Division of Records and Research, Tuskegee Normal and Industrial Institute. It contains in succinct form a great mass of detailed information regarding the present condition and progress of the race. 470 pp. Price 35 cents postpaid. The Negro Year Book Company, Tuskegee Institute, Alabama.

The H. W. Wilson Company, White Plains, N. Y., has begun the publication of an "Agricultural Index" to be issued five times a year. This publication will provide an accurate ready-reference guide to the most valuable current literature in agriculture, horticulture, forestry and allied subjects. It will also index fully about fifty popular farm papers and scientific journals selected by the librarians in agricultural col-

leges. Each new number of the index will include all references in the earlier numbers of the year combined in one alphabet and brought up to date of issue. The final number of the year is to be bound for permanent reference.

Dr. George Milton Janes of the University of Washington, has published in the Johns Hopkins Studies a monograph on "The Control of Strikes in American Trade Unions." This monograph is a valuable addition to the many publications on trade union subjects prepared under the supervision of the Department of Economics at Hopkins.

"Letters from France" is a small volume by Jeanne le Guiner, a young Frenchwoman who, after teaching in the United States for five years, returned to France in the spring of 1914 to study at the Sorbonne. Soon after her return, war was declared. These letters were written to a friend in America and now appear in translation. They give intimate glimpses of the war as it affects a French family. One also learns from the little book something of the effect of war on educational institutions, of the work being done in the hospitals and charitable institutions, and, above all, of the brave and cheerful spirit of the French people in this time of trial. The Houghton Mifflin Company, \$1.00 net.

The United States Senate has printed as a public document an address by Hon. J. Crawford Biggs, President of the North Carolina Bar Association, on "The Power of the Judiciary over Legislation." This address was delivered at the convention held in Asheville on August 2, 1915. Judge Biggs makes an able argument in support of the power of the judiciary to declare void laws which are held to be contrary to the constitution. Much evidence is presented in favor of the view that the framers of the constitution intended to confer such power and that the action of the Philadelphia convention was so interpreted in North Carolina and other states.

A volume entitled, "A Little Treatise on Southern Civiliza-

tion," has been published by Miss Helen Gray. Miss Gray is interested in the founding of Southern Economic and Political Science Associations, patterned after the London School of Economics and Political Science. The book takes a very pessimistic view of the condition of the people of the southern states, asserting that probably no large body of people ever before lived under laws so antagonistic to their welfare. To overcome the obstacles that are retarding Southern civilization, this work advocates the study of Southern history from an economic and political viewpoint. There are many excellent suggestions of topics for investigation and discussion. Price 75 cents. Miss Helen Gray, "Gray Lodge," Claiborne, La., Covington P. O.

The October *Yale Review* gives the Presidential campaign the position at the head of the table of contents. Professor William Howard Taft contributes a far from flattering review of "The Democratic Record." On the other hand, in answer to the question "Wilson or Hughes?" Mr. Norman Hapgood says "Wilson" with considerable emphasis. The *Unpopular Review* does these things differently. Its October number opens with an article "The Devil and the Deep Sea." By the Devil it means "the corruption of the Republican party, including not only the pork barrel, but protectionism as a fixt principle, when at most it should be only an occasional expedient." By the Deep Sea is meant "the vast uncharted depths of Democratic ignorance and stupidity." On the whole, the *Unpopular Review* prefers the Devil. Both of these reviews furnish abundant and nourishing fare, but the *Unpopular* takes the blue ribbon for excellence in seasoning.

